# THE LAY-MANS
# LAWYER:
OR,
The second part of the Practice of the
# LAW:

Relating to the punishments of Offences committed against the publike Peace, with Presidents of Indictments and Warrants, with proceedings to Judgment.

ALSO

A Discourse concerning Pardons, and remission of Punishment; so far as regularly they have been granted.

The Office and duty of a GAOLER:

With an Appendix touching the duty of a Church-warden and Overseer of the Poor; so far as they are Coincidently assistant to Constables in their Office of preserving the Peace.

VERY USEFULL FOR ALL sorts of people, whose duty it is to serve GOD, and their lawfull Governours in Peace.

Extracted out of the Statutes of the KINGS of *England*, and the Acts of the late Parliaments.

*With an exact Table relating to all the matters therein contained.*

*London*, Printed by *T.R.* for *H.Twyford*, in Vine Court Middle Temple, and *J. Place* at Furnivalls Inne Gate in *Holborne*, 1654.

# TO THE READER.

Reader,

HAVING *gained incouragement from thy kind acceptance of the first part of the Practice and Proceedings in the Law of this Nation, about properties in Lands, Goods, and Chattels, and the punishment of undue slights and deceipts without force, I have adventured to put in view for the common good; this second*

practick

practick part of the Law, *containing the formes of all manner of Warrants and Precepts ſent out from Authority, to attach and apprehend all manner of Offendors againſt the publike Peace; the formes of all* Mittimuſſes *made thereupon, of all Indictments, for all ſorts of Offences, from the higheſt to the loweſt, very exact:* Superſedeaſſes, Certioraries, *the proceedings in tryals againſt all Offendors for* Treaſon, Felony, &c. *together with the whole Learning of Clergy, who ſhall have it allowed, and in what Offences, and who ſhall not have it: As alſo the Office and Dutie of a* Gaoler, *never before in*

any

*any of the Books of the* Law, *so exactly set forth; The duty of Churchwardens, so far onely as they are impowred by divers Statutes, to be assistant to the Constables, the ordinary conservators of the Peace in this Common-wealth: In reading all which thou wilt very much better thy judgment, if thou readest with zeale to apprehend what is (and an honest minde to perform) thy duty.*

FAREWELL.

# THE LAY-MANS LAWYER.

BUT before wee ſet downe the ſeverall formes of the Indictments: I conceive it will not be amiſſe to ſhew the ſubject matter of thoſe Indictments hereafter following, beginning (as I ſaid before) with the moſt Capital Offences tending to the breach of the Peace, and ſo to the loweſt of them in order; ſhewing the nature of them ſeverally, with ſome Obſervations thereof, and the Judgments thereupon; and firſt of *High Treaſon.*

The ſeverall ſpecies whereof are declared by the ſtatute of 25 *Ed.*3. which being made for the good and ſafety of the people, was called *Parliamentum benedictum*, and was ratified by a ſtatute 1 *H* 4.*Ca.* 10 & 1 *Ed.*6.*Ca.*12. & 1. *Mar.Ca.*1.

*Inter leges Canuti*, Treaſons were reckoned among thoſe wickedneſſes which by huemane Law were unexpiable or unpardonable.

And although in times paſt, the Clergy held themſelves priviledged from anſwering in the higheſt Criminall Cauſes, yet this ſtatute extends to all perſons, men and women, Eccleſiaſticall and Civill.

Yet if a man not *compos mentis*, or an Infant within the age of diſcretion (and therefore not a man) do commit Treaſon, they are not within this Act: And therefore if a man count Treaſon or Felony, and confeſſeth the ſame, or otherwiſe be thereof convict, if afterwards he become not of ſound memory, but *patitur exilium mentis*, he ſhall not be called to anſwer; or if after Judgment he become not of ſound memory, he ſhall not be executed, becauſe it cannot be an example to others, which was the intent of the Law, *Co.pl.Cor.Ca.*1.

Yet the ancient Law was, that if a man had offered to kill the King, it was held for Treaſon, as appears by King *Alfreds* Law before the Conqueſt, in *Lib.*4.*Beverleys* caſe.

Clipping, waſhing, and filing of money of this Realm was not high Treaſon, till it was ſo declared by a ſtatute 5 *Eliz. Ca.*11. and 18 *Eliz. Viz. That if any perſon for wicked lucre or gain-ſake, ſhall by any Art, waies, or meanes whatſoever, impaire, diminiſh, falſifie, ſcale, or lighten the Kings Coyne, it is high Treaſon.*

And forging or counterfeiting of forraign money not currant within this Realm, is miſpriſion of Treaſon, and the Offender ſhall forfeit as for concealement of high Treaſon. And the ſtatutes 1 *Ma.*& 5.& 18 *Eliz.* before mentioned, do extend to forraign Coyn currant within this Kingdome, and ſuch Judgment as was at the common Law, before the ſtatute of 25 *Ed.* 3. either in caſe of high Treaſon, or petit Treaſon ſhall be given.

The tryall againſt an Alien that lived under the protection of the King (amity being between both Kings) for high Treaſon, ſhall by force of the Act of

of 1 & 2 *Ph.* and *Ma.* be tryed according to the due [illegible]rſe of common Law, and not *per medietatem* [illegible], as he ſhall in caſe of petit Treaſon, Murther, and Felony, if he prayeth it.

*Whe[illegible]n and other Traytors his Complices (*[illegible] *fourteen) were attainted for conſpiring [illegible]th of Queen* Elizabeth; *This Law againſt Traytors was executed according to the letter thereof, upon thoſe ſeven who were executed the firſt day, but her Majeſty was gratiouſly pleaſed to moderate the execution upon the other ſeven, ſo that they hang'd till they were dead.*

## *The Judgment given in caſe of high Treaſon is,*

THat the perſon attainted ſhall be drawn to the Gallowes at *T.* and there to be hanged by the neck, and caſt alive upon the ground, and his bowels taken out of his body, and while he is living burned in the fire, his head cut off, his body quartered, and his head and quarters put where the King ſhall appoint.

In which Judgment is implyed forfeiture of all his Mannors, Lands, Tenements, and Hereditaments in Feeſimple, and Fee-taile, his wife to loſe her Dower, his Children become baſe and ignoble, and his blood ſo ſtained and corrupted that they cannot inherit to him or any other, and forfeit all his Goods and Chattells, *&c.*

## *Petit Treaſon.*

FOr a Servant to kill his Maſter, was petit Treaſon by the common Law, 12 *lib. Aſſ. pa.* 30. and 21 *Ed.* 3. *Ca.* 17. Or if a Servant kill his Maſters wife it is petit Treaſon, for he is a Servant to them both, 19 *H.* 6. For a woman to kill her Husband it was petit Treaſon by the common Law, 15 *Ed.* 2. *Coron.* 183.

If the wife procure one to kill her Husband, and he doth it accordingly, in this caſe the wife being abſent is but acceſſory, and ſhall be hang'd and not burnt, becauſe the acceſſory cannot be guilty of petit Treaſon, where the principall is but guilty of Murther: But if he that did the Murther had been a Servant of her Husband, it had been petit Treaſon in them both, and the wife ſhould have been burnt; and ſo is the judgment at this day.

In time paſt *voluntas reputabatur pro facto*, and thereupon a mans wife who went away with her Adulterer, compaſſed the death of her Husband, they aſſaulted him and ſtrook him with Weapons that he fell down as dead, yet recovered; the man and woman were indicted and arraigned, and the ſpeciall matter being found, the man was adjudged to be hanged, and the woman to be burnt, 15 *Ed.* 2. *tit. Cor.* 383.

And a Boy attempting to cut his Maſters throat in his bed, and thinking he had done it, fled, but was apprehended; and this being ſpecially found (though the man dyed not of the wound) the boy was adjudged to be hanged, becauſe in both theſe caſes

caſes there was an overt Act, which was more then a bare plotting or compaſſing.

By the ſtatute of 5 *Ed. 6. Ca.* 11. no man is to be indicted of high Treaſon, or petit Treaſon, but by the Teſtimony of two witneſſes; and 5 *Eliz. Ca.* 12. accuſed by ſufficient Teſtimony.

Nor ought any man outlawed to ſerve upon any inqueſts, and therefore all Indictments found by any ſuch ſhall be void and nul, becauſe they be not *probi et legales homines*, good and lawfull men, *Stam. pl. Cor. fol.* 87.

If a man be indicted of high Treaſon, he may plead a forraign Plea, as he might do at the common Law, but not in caſes of petit Treaſon, Murther, or Felony, for there it ſhall be tried where the Indictment is taken.

And the Iudgment in petit Treaſon is, that he ſhall be drawn to the place of Execution, and there to be hanged by the neck till he be dead.

But a woman is to have Iudgment to be drawn and burnt, both in caſe of petit Treaſon, and high Treaſon, and not to be beheaded or hanged.

And it is a Maxime in Law, that Execution muſt be according to the Iudgment, though there be ſome examples to the contrary; as the Lord *Hungerford*, 32 *H.* 8. who notwithſtanding his judgment to be hanged, was beheaded, and ſo was the Duke of *Somerſet*, 5 *Ed. 6.* But the Lord Dacre 33 *H.* 8. and the Lord *Stourton* 3. & 4 *P.* and *M.* were hanged according to the Iudgment.

And in caſe of Felony or Treaſon, if any perſon

ſon be outlawed, the Judgment upon the Exigent at the firſt County upon the default of the party is, Therefore by the Judgment of the Coroner he is outlawed; which Writ being duly returned by the Sheriff, the party outlawed ſhall have the ſame corporall puniſhment, and ſhall forfeit as much as if he had appeared, and Judgment had been given againſt him in caſe of Felony or Treaſon reſpectively. But if the proceeding therein be erroneous, and upon his appearance upon the *Cap: utlagatum*, if it appeare ſo to the Court, they ought not to award Execution againſt him.

## *Miſpriſion of Treaſon.*

BY the common Law concealement of high Treaſon was Treaſon, 3 *H.* 5. in the Lord *Scroops* caſe.

But by the ſtatute of 1. & 2. of *Ph:* and *Ma.* It was enacted, that concealing or keeping ſecret of high Treaſon, be deemed and taken onely miſpriſion of Treaſon; and the Offender therein to forfeit and ſuffer as in caſe of miſpriſion.

The Iudgment in miſpriſion of high Treaſon is by the common Law, that the Offender ſhall for his concealement forfeit all his goods, and the profits of his Lands during his life, and ſuffer impriſonment during his life: *Stamf. pl: Cor. fol.* 38. and 1. and 2 *M. Ca.* 10.

Concealement, and not diſcovery of Treaſon is miſpriſion of Treaſon; and concealement and not diſcovery of Felony is miſpriſion of Felony, whether the Treaſon or Felony be by the ſtatute or common Law.

A man

A man that is present when another is slain, and doth not apprehend the Slayer, it is a misprision, and shall be fined and imprisoned for the same omission, 8 *Ed.*2.*Cor.*395.

To draw a Weapon in *Westminster* Hall upon any Iudge or Iustice (though he strikes him not) sitting the Courts, is a misprision, for which he shal lose his right hand, forfeit his lands and goods, and suffer perpetuall imprisonment, *west.*1 *Ca.*33.

Or if in the presence of the Iudges sitting in *Westminster* Hall or elsewhere, or before the Iustices of Assise, or *Oyer* and *Terminer*, any strike a Iuror, he shall have the like puishment, *inter leges Aluredi*, *Cap.*34.

Or if any strike in the Kings Pallace where he resideth, shall lose his right hand, and be perpetually imprisoned if he draw blood, otherwise not, 33 *H.*8.*Ca.*12.

By which it appeares, that striking in *Westminster* Hall, the Courts sitting, *&c.* hath greater punishment then for meer striking (without drawing blood) in the Kings house.

And it is a rule, that every Treason and Felony doth comprehend misprision of either.

All persons convicted of offences, for which they cannot have the benefit of their Clergy, or such as might have it and cannot read, their Iudgment is to go to the place from whence they came (*viz.* The Prison) and from thence to the place of Execution, and there to be hang'd by the neck till they be dead.

*Of Conjuration*

## *Of Conjuration, Witchcraft, Sorcery, and Inchantment.*

A Conjurer is he that by holy and powerfull names of Almighty God invokes and conjures the Divell to conſult with him, or to do ſome Act.

A Witch is a perſon that hath conference with the Divell to conſult with him, or to do ſome Act.

An Inchanter is he or ſhe that with Verſes or Songs doth adjure the Divell.

A Socerer is ſo called, becauſe he uſeth Lots in theſe Divelliſh Inchantments.

The puniſhment of this Offence before the Conqueſt was burning, and ſince that time theſe Offences being adjudged Idolatry and Hereticall was alſo ſuch.

But by the ſtatute 1 *Jacobi* it was enacted, if any perſon ſhall uſe, practiſe, or exerciſe any Invocation or Conjuration with any evill or wicked Spirit,

Or ſhall conſult, covenant with, entertain, imploy, feed, or reward any evill or wicked Spirit, to, or for any intent or purpoſe.

Or take up any dead man, woman, or Childe, out of his or their grave, or any other place where the body reſteth, or the skin, bone, or any part of a dead perſon, to be imployed or uſed in any manner of Witchcraft, Sorcery, Charm, or Inchantment.

Or ſhall uſe, exerciſe, or practiſe any Witchcraft, Inchantment, Charm, or Sorcery, whereby any perſon ſhall be killed, deſtroyed, waſted, conſumed, pined, or lamed in his or their body, or any part thereof.

That

That then every ſuch offendor, or offendors, their Aiders, abbettors, and Counſellors being of any of the ſaid offences duly and lawfully convicted, ſhall ſuffer paines of death, as a Felon or Felons and ſhall loſe the benefit of Clergy and Sanctuary.

## *Of Murder.*

*Definition.*

MUrder is where a man of ſound memory, and of the age of diſcretion, unlawfully killeth within any County of the Realme, any reaſonable Creature *in rerum natura*, under the Kings Peace, with malice forethought, either expreſſed by the party, or implyed by Law, ſo as the party wounded or hurt, *&c.* dy of the wound or hurt within a yeare and day after the ſame.—*Co. Cap.* 8.

And under the title of killing, are underſtood death by poiſoning, any Weapon ſharp or blunt, Gun, Crosbow, Cruſhing, Bruiſing, Smothering, Suffocating, ſtrangling, drowning, burning, burying, famiſhing, throwing down, inciting a Dogge, or Beare, to bite or hurt, whereof death enſueth, or laying a ſick man in the cold.—*ib.*

Of all which ſeverall ſorts of murder, poyſoning was held the moſt deteſtable, in ſo much as by a Statue 22. *H.* 8. *ca.* 9, it was made high Treaſon, and for the ſame, the offendor ſhould be boiled to death in hot water. And ſome were executed accordingly; But the Act being held too ſevere, was repealed: 1 *Ed.* 6. *ca.* 12. *&* 1 *M. ca.* 1.

Under the notion of reaſonable Creature is comprehended, Man, Woman, Child, Subject borne, or Alien, Chriſtian; Jew, Heathen, Turk or Infidell being under the Kings peace.

Malice prepenſed, is when one compaſſeth to kill, wound or beat another, and doth it *ſedato animo*, which is ſo odious in Law, as though it be intended againſt one, it ſhall be extended againſt another; ſo that if one ſtrike one, when he intended to ſtrike another, it ſhall be held Felony to him. *Bracton lib. 3. fol. 155.*

*For which the Indictment is, that he ſhall be hangd, and ſhall not have the benefit of the Clergy.*

## *Of homicide, and the ſeverall kinds thereof.*

FE*lo de ſe*, is where a man or woman, being of found memory, and of the age of diſcretion killeth himſelfe, which being lawfully found by the Oath of twelve men, all the goods of the p rſon ſo offending are forfeited, but not his Lands, for that no man can forfeit his Lands without an attaindor by courſe of Law, which can not be by *Felo de ſe*.

## *For cutting out of Tongues, and putting out of Eyes.*

BY the Statute of 5. *H.* 4. *ca.* 5. It was enacted. If any man do cut out the tongue, or put out the eyes of any of the Kings Lieges of malice prepenſed, it is Felony, which Statute was made for that before this Statute, when one had beaten, wounded, maymed or robbed, &c. the offendors, to the end, the party greived might not be able to accuſe them, did cut out their tongues, or put out their eyes, pretending the ſame to be no Felony, and therefore it was ordained and eſtabliſhed to be Felony by this Act.

*For*

## *For Burglary.*

A Burglar is by the Common Law a Felon, that in the night, breaketh or entreth into a manſion houſe of another, with intent to kill ſome reaſonable Creature, or to commit ſome other Felony within the ſame, whether his Felonious intent be executed or not: *inter leges Edm. ca. 6. fol. 26.* and by the Law of the twelve Tables.—*Si noctu furtum factum ſit, jure Cæſus eſt.*

But if a manſion houſe ſtand open, and a Theefe enter into the houſe with a purpoſe to ſteale, though in Law this be a breaking of the houſe, yet it is no Burglary, becauſe no actuall breaking of the houſe. But if a Thiefe break a Glaſſe-window, and with a Hook, draweth out ſome of the owners Goods it is Burglary, and under the title of manſion houſe are conteyned all the outſet buildings, Barnes, Stables &c.

For which offences, and for breaking of a houſe by day, and thence taking away money or Goods, to the value of five ſhillings, though no perſon be therein ſhall ſuffer death, as in caſe of Burglary 39. *Eliz. ca.* 15.

## *For burning of houſes.*

BUrning is a Felony at the Common Law, committed by any that malitiouſly and voluntarily in the night or day burneth the houſe of another. 3. *H.* 7.

And this extendeth to the burning of a Barne, (though no parcell of the manſion houſe) if there be Corne or Hay within it.

## *Of Robbery.*

RObbery is a Felony by the Common Law, committed by a violent aſſault upon the perſon of another, by putting him in feare, and taking

from his Perſon, his money or any other of his Goods of any value whatſoever, *inter leges Canuti ca.* 61. *fol.* 128.

## *Of hunting in the night in any Forreſt, Parke, or Warren.*

BY the Statute of 1. *H.*7. It was enacted, That if any perſon or perſons hereafter be convict of hunting in any Forreſt, Park or Warren with painted faces, Viſors or otherwiſe diſguiſed, to the intent they ſhould not be known, or of any unlawfull hunting in the night, that then the ſame perſon or perſons ſo convict to have like punition, as he or they ſhould have, if he or they were convict of Felony.

## *Of Felony in wandring Souldiers and Mariners.*

BY the Statute of 39. *Eliz.* All idle and wandring Souldiers, or Mariners, or idle perſons, wandring as Souldiers or Mariners ſhall be reputed Felons and ſuffer as in caſe of Felony.

And if any ſuch wandring Souldier or Mariner, or other idle perſon wandring as Souldier or Mariner ſhall forge or counterfeit any ſuch teſtimoniall, as by this Act is directed, he is by this Act a Felon.

Or if he ſhall have with him or them any ſuch teſtimoniall forged or counterfeited, knowing the ſame to be ſuch, he is alſo by this Act a Felon, and ſhall not have the benefit of Clergy, and the Juſtices of Aſſiſe, Juſtices of Gaole delivery, and Juſtices of Peace have power by this Act to heare and determine the ſaid Felonies.

*Of*

## *Of Felony for any having a plague ſore upon him, and gooth abroad.*

BY the Statute of 1. *Jac. ca.* 31. It was enacted that if any perſon infected with the plague, commanded (by ſuch perſons as are appointed by the Act) to keep houſe, ſhall contrary to ſuch commandement willfully and contemptuouſly go abroad, and ſhall converſe in company, having any infectious ſore upon him uncured, ſuch perſon ſhall be adjudged a Felon, but with this Proviſo; That no attainder of Felony by vertue of this Act ſhall extend to any Corruption of bloud, or forfeiture of Goods, Chattells, Lands, Tenements or Hereditaments.

## *Of Felony in dangerous Rogues.*

IF any dangerous Rogue that was baniſht the Realme, or adjudged perpetually to the Gallies, have returned into the Realme without lawfull Licence or Warrant, it is Felony, the ſame to be tried where the offendor is apprehended — 39. *Eliz. ca.* 4. & 1 *Jac.* 25.

*But the Offendor may have the benefit of his Clergy.*

If any Rogue after he hath been branded in open Seſſions with a Roman R. upon the left ſhoulder, or ſent to the place of his dwelling, where he had laſt dwelt by the ſpace of a yeare, or the place of his birth to be placed in labour, have offended againe in begging or wandring contrary to the ſaid Statutes, it is Felony without Clergy.

By

By the Statute of 8. *Eliz.* no manner of perſon was to ſend or deliver, *&c.* into any Shippe or bottome, any Rams, Sheep, or Lambs, or any other Sheep alive, to be conveyed out of this Realme of *England*, *Wales*, or *Ireland*, upon paine, that he and all his Abbettors, &c. for their firſt offence, ſhall forfeit all his Goods, and ſuffer impriſonment for one whole yeare without Bayle or maynprize, and at the years end in ſome Market Town in the fullneſſe of the Market, have his left hand cut off, and all ſuch offendors be adjudged Felons. But this Act ſhall not extend to corruption of bloud or loſſe of Dower; and the offendor may have the benefit of his Clergy, in caſe of the cutting off his hand as in the caſe of Felony, ſaith, Sir *Ed. Coke*, for which he voucheth *Stamf. Pleas Crown fol.* 37. 6. where I finde nothing to that purpoſe, and muſt therefore take his word, that the Law is ſo.

## *Of Felony in Servants that imbezell their Maſters Goods committed to their truſt above* 40. *s.*

EVery ſervant to whom any Caskets, Jewells, Money or Goods of his Maſter or Miſtreſſe ſhall be delivered to keep. That if any ſuch ſervant withdraw himſelfe from his Maſter or Miſtreſſe, and go away with the ſaid Caskets, Jewells, Money, *&c.* to the intent to ſteal the ſame contrary to truſt, *&c.* Or elſe being in ſervice of his ſaid Maſter or Miſtreſſe, without their aſſent ſhall imbezill the ſame, or any part thereof, or otherwiſe convert the ſame to his own uſe, with purpoſe to ſteale it, the ſame being of the value of fortie ſhillings or above ſhall be adjudged Felony. 21. *H.* 8. *ca.* 1. *Ed.* 6. *ca.* 12. 5. *Eliz. ca.* 10. but the offendor may have his Clergy.

*Of*

## *Of Larceny by the Common Law.*

IT is the fraudulent taking of another mans *moveable* Goods, with an intent to ſteale the ſame againſt the will of the owner. *Bracton lib.* 3. *fol.* 150. *& Fleta lib.* 1. *ca.* 36.

Or according to Sir *Ed. Coke.* It is the *felonious* & fraudulent taking or carrying away of the meer perſonall eſtate of another, neither from the perſon, nor by night in the houſe of the owner, which a Mad man that is not *compos mentis*, or an Infant under the age of diſcretion cannot committ; nor *a feme* Covert, if it be done by the coercion of her Husband; otherwiſe ſhe may, and her Husband may be acceſſary to it, but the wife cannot be acceſſary to her Husband, though ſhe know the *Larceny.*

There is grand Larceny and Petit Larceny, if the Goods ſtolled be of above twelve pence in value, then it is *Grand Larceny*, if under that value then it is *Petit Larceny*, for which the Offender, ſhall forfeit all his Goods, and ſuffer ſome corporall puniſhment, as whipping, *&c. Mirror. Cap.* 4. *ſect. de* crime *de* Robbery. And Sir *Ed. coke* ſaith; it is a rule in Law, That if no Felony can be committed of any thing that is *Ferum natura*, and of age being reclaimed or made tame, that then no Felony can be of the young in the neſt, kenneli or den.

And yet of ſome things that be *Fera natura*, being reclaimed, Felony may be committed, in reſpect of their noble and generous nature and courage; As all kind of Falcons, and other Hawks, if the party that ſteales them know they be reclaimed, *Mirror ca.* 1. *ſect.* 10. And ſo of Fiſhes in a trunck or Pond.

And ſo if Deer, wild-Bore, Conies, Cranes, Pheſants, which ſerve for the food of man, be made tame, the ſteading of them is Larceny.

## *Of Maymes.*

A Mayme is properly ſaid to be, when any Member of a mans body is taken away, whereby he is become leſſe able to fight or combate, as the eye, the hand, the foot, or the bruiſing of the head, or the fore-teeth. *Briton fol.* 48. Juſtice *Seton* ſaith, That every finger of the hand ſhall be ſaid to be a mayme, if it be cut off, 28. *Ed.* 3. But the cutting off an Eare, ſhall not be adjudged a mayme, yet to knock out his Teeth is a mayme, becauſe with them he may defend himſelfe in Battell.

And *Bracton* ſaith, that a mayme may be ſaid to be when any part of a mans Body is made unable to fight; as if the bones be broken out of the head, or if a bone be broken, or a foot, or a hand, or a finger, or the joynt of the foot, or any member be cut off, or by reaſon of any blow the ſinews be contracted, or the fingers made crooked, or his eye pulled out, or any thing in a mans body, whereby he is made leſſe able to defend himſelfe. *Bracton* cited by *Stamford Pl. Cr. Ca.* 41. *fol.* 38. 6. Or to cut off the Genitalls of a man. *Cloſe Rolls* 13. *H.* 3 *Camb. Britton* 59. 3.

## *Premunire.*

IT is ſo called of the words in the Writ, The King to the Sheriffe &c. *quod Premunire fac. A Bec. Nat. B. fol.* 143. And was made againſt ſuch as did draw the Kings Subjects, to anſwer things, the Conuſance whereof pertained to the Kings Court 2. of Judgments given in the Court. And thirdly that after judgements given in the Kings Courts of Common Law of matters determinable thereby: and ſuch as did purſue in the Court of *Rome*, or elſe where any thing which touched the King, againſt him, his Crown and Regality of his Realm, they, their notaries, procurators, *&c.* ſhall be out of the Kings protection, 16 R. 2. *ca.* 5. & 27. *Ed.* 3.

*Of*

### *Of Propheſies.*

5 *Eliz.* A ſtatute was made againſt Propheſies by writing, ſinging, or other open ſpeech or deed, by the occaſion of any Armes, Fields, Beaſts, Badges, or other like things accuſtomed in Armes, Cognizances, or Signets; or by reaſon of any time, yeer or day, to the intent thereby to make any Rebellion, Inſurrection, Diſſention, loſſe of life, or diſturbance within this Realm or other the Queens Dominions. For the firſt offence impriſonment of his body by the ſpace of a yeer, without baile, and 10 li. to the Queen and the Informer; and for the ſecond offence impriſonment during his life without baile, and to forfeit to the Queen all his Goods, and Chattels reall and perſonall; ſo that he be impeached or accuſed within ſix moneths next enſuing the offence by him done.

### *Of Approver.*

AN Approver is a perſon indicted of Treaſon or Felony, in Priſon for the ſame, and not diſabled to accuſe. He may upon his arraignment before any Plea pleaded, and before competent Judges confeſſe the Indictment, and take a corporall oath to reveale all Treaſons and Felonies that he knowes, and pray a Coroner before whom he is to enter his Appeale or Accuſation, againſt all that are partakers of his offence or of his ſociety, in committing of Treaſon or Felony contained in the Indictment, thoſe partners being within the Realm; And if upon his Appeale all thoſe partners be convicted, the King in point of Juſtice is to pardon him. But it is in the diſcretion of the Court either to ſuffer him to be an Approver, or after his Approvement to reſpite Iudgment and Execution, untill he hath convicted all his partners, 9 *H.5. Cor.* 440. 1 *H.5. Cor.* 441.

Nor

Nor any man attainted of Treaſon or Felony, becauſe he is out of the Law, or if he be indicted and out of priſon, 11 *Aſſ. pl.*17.

Nor Women, Infants, Ideots, Lepers, Profeſſors in order of Religion, or Clerk, or perſons attainted of Felony, or *non compos mentis*—*Mirror*, *Ca.*1 *ſect.*13.

And *Stamford* ſaith, nor men above the age of ſeventy yeers, or maimed, becauſe ſome of them cannot take an Oath, and none of them can wage battell, *Stam:pl Corpa:*140.

## *Of falſe Tokens, or Letters in other mens names.*

ANy perſon that ſhall deceitfully obtain into his hands any money, Goods, Jewels, *&c.* of any perſon or perſons by colleur or meanes of any falſe or privie Tokens or counterfeit Letters made in other mens names, ſhall ſuffer ſuch Correction by puniſhment of his body, ſetting upon the Pillory or other corporall pain (except the paines of death) as ſhall be to him adjudged by ſuch before whom he ſhall be convicted, with a ſaving to the party grieved by ſuch deceit; ſuch remedy by way of Action or otherwiſe as he might have had by the common Law, 33 *H.*8. *Ca.*1.

## *Of Theft-boot.*

THeft-boot is when the Owner not only knowes of the Felony, but taketh of the Theefe his Goods again, or amends for the ſame to favour or maintain him, that is, not to proſecute him, to the intent he may eſcape. But in that caſe if he receive the Theefe himſelfe, and aid and maintain him in his Felony, then he is acceſſory to the Felony. But if a man take his Goods again that were ſtol-

den

len, it is no offence, unleſſe he favour the Theefe.

So that there is a difference when a man receives the Theft, and when he receives the Theefe.

## *Of Conſpiracy.*

CONſpiracy is a Conſultation and agreement between two or more, to appeale or indict an Innocent falſely and maliciouſly of Felony, whom accordingly they cauſe to be indicted or appealed, and afterwards the party is lawfully acquitted by the Verdict of twelve men, 22 *Ed.* and *Magna Charta palt. fol.* 111. for which the party grieved hath two remedies. Firſt, by a writ of Conſpiracy by which he ſhall recover Damages. Secondly, by Indictment, upon which Indictment if the Conſpirators be convict, they ſhall loſe the freedome of the Law, they ſhall not be put upon any Iury of Aſſiſe, or in any other Teſtimony of truth, their Houſes, Lands, and Goods ſhall be ſeiſed into the Kings hands, and their houſes and lands eſtrepped and waſted, their Trees rooted up and araſed, and their bodies impriſoned, for that they ſought by malice, falſehood, and perjury, to attaint and overthrow the Innocent, 24 *Ed.* 3. *Ca.* 43.

And ſuch perſons ſo convicted were not mainpernable, 27 *Lib. Aſſiſ. pa.* 12.

## *Of Bribery.*

BRibery is a great miſ-priſion, when any man in Iudiciall place takes any Fee, Penſion, Robe or Livery, Giſt, Reward, or Brocage of any perſon that hath to do before him, for doing his Office, but of the King onely; unleſſe it be of meat and drink, and that of ſmall value upon divers and grievous puniſhments. *Forteſcue. Ca.* 52. which puniſhment extends onely to impriſonment and loſſe of liberty.

But

But it is neither Treaſon nor Felony, but a miſpriſion, for that it is accompanied with perjury.

*Of* Monomachia, *or ſingle Combates.*

THeſe Duels have been forbidden by many Lawes, and if either party be killed, if it be not wilfull Murther being done in cold blood, yet it is Man ſlaughter, for which the Man-ſlayer ſhall forfeit his life, loſeth his lands and goods: And though no death or blood enſue, yet it is a great breach of the Peace, and is to be puniſhed by fine and impriſonment, and both parties to finde ſureties for the good behaviour; for that being an affray in terrou of the Kings Subjects, it is *contra pacem*, and in reſpect of the incroachment upon the royall Authority for revenge, it is againſt the Crowne & dignity, 10 *Ed.*3.*Rot.*87. & theſe Duels have been uſually puniſhed in the Star Chamber.

*Againſt going or riding armed.*

BY the ſtatute of 2 *Ed.*3.*Ca.*3. It was enacted that no man of what condition ſoever (except the Kings ſervants in his preſence, and executing the Kings Commandment in their Office) be ſo hardy as to come before the Kings Iuſtices, or other his Miniſters, doing thei Office with force and armes, nor bring force in affray to the people, nor go, nor ride armed by night or by day, upon pain to forfeit their Armour to the King, and their bodies to priſon at the Kings pleaſure, and to make fine and ranſome to the King. See 2 *Ed.*3. *Ca.*3.

And by the ſtatute of 11 *H* 7. If any by mutuall aſſent

aſſent do uſe Iuſts or Turnaments, or to play at Sword and Buckler, or any other deeds of Armes, and one killeth the other, it is Felony. See 11 *H.*7. *fol* 23.

### *Of Perjury and Subornation.*

PErjury is a Crime committed when a lawfull Oath is miniſtred by any that hath authority to any perſon in any Iudiciall proceeding, who ſweareth abſolutely and falſely in a matter materiall to the iſſue or cauſe in queſtion, by their own Act, or the Subornation of others: Sir *Ed. Co. pl. Cor. pa.* 164. wich offence was puniſhable at the common Law, either by indictment, or by information, 10 *Jac. in cam. Stellat.* And by this definition of Perjury it appeareth, that the Oath muſt be given by ſuch as have authority to miniſter it. If it muſt be in judiciall proceeding, the Oath muſt be abſolute and falſe, and materiall to the iſſue or cauſe in queſtion, by the own Act of the ſwearer, or by ſubornation of other, or elſe it is no Perjury.

### *Of forging of Deeds.*

BY the ſtatute of 5 *Eliz.* made concerning forging of Deeds', Charter, or Writing ſealed, Court-roll, or Will, *&c.* the party for the firſt offence was to be fined, and the ſecond offence was Felony. See *Eliz. Ca.* 14.

### *Of Libells and Libellers.*

A Maker or Publiſher of Libells committeth a publike offence, for which he may be indicted at the common Law, whereof there be Precedents, 10 *Ed.* 3. in the Kings Bench, *Rot* 92. and 18 *Ed.* 3. *Rot.* 151.

*Of*

## *Of Riots, Routs, and unlawfull Assemblies.*

IT is properly called a Riot when three or more do any unlawfull Act, as to beat a man, or to hunt in his Park, Chase or Warren, or to enter or take Possession of another mans land, or cut or destroy his Corn, Grasse, or other profit.

Rout is properly when any unlawfull Act is done for their own or the common quarrell. As when Commoners break down Hedges or Pales, or cast down Ditches, *&c.*

An unlawfull Assembly is when three or more assemble themselves together, to commit a Riot or Rout and do it not, *Co. pl. Cor. fol.* 176. for any of which they may be indicted.

## *Of malicious striking with any Weapon in Church, or Church-yard.*

THe Offender being convict by the oath of twelve men, or by his own confession, or by two lawfull Witnesses before Iustices of Assise, Iustices of *Oyer* and *Terminer*, or Iustices of Peace at their Sessions shall lose one of his Eares, and if he have no Eares, to be marked in the Cheek with a hot Iron with the letter F. and *ipso facto excommunicat.* 5 *Ed.* 6 *Ca.* 4.

## *Against Fugitives, or such as go beyond the Seas without license, and return not upon command.*

FOr any such Subject that shal depart this Realm to serve any private State or Potentate, not having before his going taken the Oath mentioned in that Act: And for any Gentleman or person of higher degree, or any person which hath borne, or

or ſhall beare any Office or place of Captaine, Lieutenant, *&c.* before he be bound with two ſureties, as in that Act is preſcribed, is adjudged Felony. But upon ſuch attainder no forfeiture of dower or corruption of Blood ſhall enſue, 3 *Ja. Ca.* 5.

*Of Brothell houſes.*

THe Keepers of any houſe is puniſhable by Indictment at the common Law by fine and impriſonment, as being the cauſe of many miſchiefes, and a common nuſance, 11 *H.* 6. *Ca.* 1.

Iudgment in caſe of petit Larceny.

*IN and ſince the Reign of* Ed. 3 *no perſon loſt any member for Petit Larceny, but were ſometimes puniſhed by impriſonment, and ſometimes by other Penance, as whipping,* &c. *But if the Delinquent flyeth for petit Larceny, & ſo be found by the Jury, he forfeiteth his goods.*

In a Premunire at the ſuit of the King.

*IF the Delinquent be in priſon, That the ſaid* A. *be out of the protection of the King, and ſhall forfeit his Lands, and Tenements, Goods, and Chattels to the King, and remain in priſon during the Kings pleaſure,* 25 Ed. 3. Ca. 22. *and if he be not in priſon, that he be out of the protection of the King, forfeit his Lands,* &c. *& be taken.*

In Theft-boot.

*THat the Offender be fined, and impriſoned till he hath paid his fine.*

Death of a man *per infortunium.*

*OF this miſchance there is no expreſſe Judgment, but the Offender is to ſue out his pardon of courſe, but by the Law he ſhall forfeit all his Goods, and Chattels, Debts, and Duties,* 24 H. 8. Ca. 5.

Death

Death of a man *Se defendendo.*

IN *this case the Law hath given a Judgment that he shall forfeit all his Goods, and Chattels, Debts and Duties, and sue out his pardon of course: And in this case the Jury ought to finde the matter specially, that the Court may judge whether in Law it be* se defendendo *or not*, Stamf. pl. Cor. fol. 15.

Of the death of man who offereth to Rob, *&c.*

IF *it be found by Verdict* (*that the party Indicted or appealed for the death of* A.) A. *attempted to have robbed or murthered him, in or nigh any common high way*, &c. *or in his mansion or dwelling house, or for killing him which attempteth Burglary in the night. The Judgment upon such a Verdict shall be, that he shall be acquitted paying his Fees, and shall forfeit nothing*, 24 H. 8.

*Of seizure of Goods* &c. *for Offences*, &c. *before conviction.*

REgularly the Goods of any Delinquent cannot be taken and seised to the Kings use before the same be forfeited.

Nor can they be inventoried, nor the Town charged therewith, before the Owner be convicted of Record, 25 *Ed.* 3 *Ca.* 14.

Prisoners imprisoned (saith *Bracton*) before they be convicted ought not to be disseised of their lands, nor of any of their goods to be dispoiled, but while they be in prison ought to be maintained of their own Estate, untill they shall bee delivered or condemned by judgment, because as he saith, *fol.* 136. before conviction be forfeits nothing. See *Bract. lib.* 3 *fol.* 123.

THE

# THE PREAMBLE To THE READER.

*SO great a Bleſſing is that of Peace, and ſo univerſally neceſſary for the Preſervation of man, and humane Society, that in all Ages there hath ſpeciall care been taken for the making of good, and wholſome* Lawes *for the conſervation thereof; and from time to time power given by all Princes and Common-Weals to eſtabliſh the ſame, there being nothing under Heaven (except the inward peace of Conſcience) to be compared unto, nor more to be*

*desired then it; a thing very often in the holy* Scripture *both commended and commanded, and a blessing promised to the Makers and Keepers thereof: And therefore to this great Blessing the Kings of this Nation have Constituted persons of greatest Integrity, Fidelity, Wisdome, and Trust, by Commissions to be Conservators thereof, which we do call* Justices of the Peace, *as if their chiefe Work and businesse were to keep and maintain the same; without which no mans life can bee comfortable unto him; nor can any man promise to himselfe, or hope for security without it, either to his Person or his Estate, both being exposed to the Lust and Rapine of others who have power to violate the same; whereof in these times we have had too lamentable Experience. And therefore the breach of it is specially enquirable, not onely at the Assizes, and generall quarter Sessions in every County, but the Justices of the Peace in their severall Limits, have by their Commissions power to call privie Sessions, as well to prevent as to remove all force which tends to the disturbance thereof; and in every Court-leet held either by Grant or Prescription, the Steward hath power to enquire of all, or most offences against the same; and divers other Officers and Magistrates are enabled to bind unruly men to the Peace and good Behaviour,*

*viour, for the ſecurity of every particular mans perſons who fearing violence either to his perſon, or Eſtate, doth upon juſt cauſe deſire it: and thereof every man that ſtands in feare of either, upon his addreſſe to the Juſtices of the Peace, or other Officers may have reliefe, and hath liberty either at the Aſſizes or quarter Seſſions, to Indite ſuch Offenders as ſhall do, or attempt to do any thing contrary to ſuch Lawes as are made for that purpoſe; concerning which the regular Proceedings are as hereafter ſhall be declared.*

*And becauſe the proceedings for Offences againſt the Peace, for the moſt part are by Indictments, and upon ſuch Proceedings as do in proceſſe of time terminate the matters in agitation; I have thought it moſt methodicall to ſet down ſo many of them in the engliſh Tongue as are likely to be made uſe of; beginning with the moſt Capitall Offences, as high Treaſon, petty Treaſon, &c. and from thence going on to the Felonies of the higheſt ſort;* viz. *Murthers, Rapes, Sacriledges, Robbery by the high way, and other Felonies which have not the benefit of Clergy, and from them deſcend to Felonies of a leſſer ſize and ſort: and laſt of all for Treſpaſſes and other Miſdemeanours; which done, I ſhall obſerve ſome of the Proceedings upon thoſe Indictments in the Crown Office,*

*Goale Delivery, and Seſſions of the Peace, to the end that the unlearned in the Lawes may plainly ſee both the matter, and form of all ſuch Indictments and buſineſſe, concerning all, or moſt Offences againſt the Peace, and may be acquainted with the manner of proceedings: which I deſire to make obvious to the underſtanding of ſuch as could not attain thereunto, while the Indictments and Proceſſe were in the Latine Tongue, which the Country-man (for whoſe benefit this work was principally undertaken) could attaine unto, and by knowing what is neceſſary in and to every Indictment, which are, the Perſon Who, the time when, the place where, the thing taken, the Owner thereof, the manner how, and the intent, compriſed in the Word Felony; as Mr.* Weſt *in the ſecond part of his* Symboleography *hath well expreſſed; he may finde what is wanting in any ſuch Indictment as he may have occaſion to ſee into: or whether the proceedings concerning the ſame have been regular; which done, we will ſhew the way the Upper-bench proceedeth in Criminall Cauſes; and alſo the proceedings upon Indictments at the Goale-delivery, and quarter Seſſions, with ſuch other things as be incident thereunto; as the Warrants of the Juſtices of Peace upon ſeverall occaſions, the formes of Proceſſe againſt Felons, or other perſons*

*ſons Indicted, Recognizances, Certioraries, Traverſes, the Oathes of Conſtables, and ſuch other particulars as ſhall fall within the ſcope and intention of this work, whereto as an appendix ſhall be ſhew'd the Duties of Church-wardens,* &c.

*The Judges Itinerant have by their Commiſſion power not onely to enquire, but alſo to heare and determine all manner of Offences* contra pacem, *and may therefore enquire of, heare, and determine all manner of Treaſons, which the Juſtices of Peace cannot do.*

*But for the moſt part, when any man is Indicted for high Treaſon againſt the perſon of the King, and ſuch other Offences as are declared to be Treaſon, by the Statute of* 25 Edw: 3. *the Indictment is in the Upper-bench, and the tryall by Commiſsion under the great Seale of* England, *to ſome perſons of quality, commonly of the privie Councell, aſsiſted by ſome of the Judges of the one or the other Bench; the King, or Common-wealths Councell being ordinarily imployed to give the Evidence, and manage the buſineſs.*

# THE LAY-MANS LAWYER.

*An Indictment for high Treaſon againſt the perſon of Q.* Elizabeth.

THE Jurors for our Soveraigne Lady the Queen, do preſent, That *William Allein* late of, &c. And *Edmond Campion* late of, &c. *N. M.* and others as falſe Traytors againſt the moſt illuſtrious and moſt excellent Prince, our Soveraigne Lady *Elizabeth* by the Grace of God of *England*, *France*, and *Ireland*, defender of the Faith, &c. Their ſupream and naturall Lady, not having the feare of God in their hearts, nor weighing their due allegiance, but ſeduced by a diveliſh inſtigation, their harty love, and true, and due obedience, which true and faithfull Subjects of the ſaid Queen, towards her, do, and of right are bound to beare, intending altogether to withdraw blot out and extinguiſh, the laſt day of *March* in the two and twentieth year of the raign of the ſaid Queen, at *Rome* in *Italy* in the

parts beyond the Seas, and the laſt day of *Aprill*, in the two and twentieth year of the ſad Queen at *Rhemes* in *Campania* in the parts beyond the Seas, and at divers other dayes, and times afterwards, aſwell at *Rome* and *Rhemes*, as in divers other places in the parts beyond the Seas, felonioufly, malitioufly, and trayterouſly did conſpire, imagine, circumvent and compaſſe the ſaid Queen their Soveraigne Lady, not only from her regall eſtate, title, power, and government of her Kingdome of *England* wholy to deprive, caſt out and diſhinherit, but alſo to bring to death and finall deſtruction, & to raiſe ſedition in the ſaid Kingdom of *England*, and a miſerable and unhappie deſtruction between the Subjects of the ſaid Queen through the whole Kingdome of *England*, and to ſtir up, beget, and procure and raiſe, and procure an inſurrection and Rebellion againſt the ſaid Queen, their Soveraigne and naturall Lady, and the Government of the ſaid Kingdome, and the true and ſincere Religion of God in the ſame Kingdome of *England* ratified, and piouſly eſtabliſhed, and at their will and pleaſure, to change and alter, and alſo the ſtate of the whole Common wealth of this Kingdome of *England*, in all the parts thereof well ſetled and ordayned totally to ſubvert and deſtroy, and divers ſtrangers and Aliens, not being Subjects of the ſaid Queen in hoſtile manner to invade this Kingdom; and to raiſe, levy and raiſe, and ſtir up Warre in this Kingdome againſt the ſaid Queen. And to compaſſe and bring about thoſe moſt wicked and trayterous imaginations, compaſſings, intentions and purpoſes of Treaſons, the ſaid *William Allein* & *Edmond Campion*, *&c.* the laſt day of *March*, in the foreſaid two and twentieth yeare of the Raigne of the ſaid Queen *Elizabeth*, aſwell at *Rhemes* aforeſaid,

ſaid, as alſo at divers other places and parts beyond the Seas among themſelves, felonioufly and trayterouſly conſulted, treated, or at leaſt had ſpeech, by what wayes or means they might bring to paſſe the death and finall deſtruction of our ſaid Soveraigne Lady the Queen, and their naturall Lady, and how they might raiſe and make ſedition in the ſaid Kingdome of *England*; And to that intent and purpoſe the foreſaid *W. A.* and *Ed. C.* &c. afterwards, that is to ſay, the twentieth day of *May* in the two and twentieth year of the Raigne of the ſaid Queen *Elizabeth* aforeſaid; And at divers other dayes and times after and before, aſwell at *Rome* aforeſaid; as alſo in divers other places and parts beyond the Seas, aſwell by their perſwaſions as by their letters, did move, excite, and encourage divers ſtrangers, not being ſubjects of the ſaid Queen, but her enemies, in hoſtile manner the Kingdome of *England* to invade, and moſt ſharp Warre within the ſaid Kingdome againſt the ſaid Queen to levy and make. And further, that the ſaid *W. A.* and *Edmond Campion*, &c. the aforeſaid twentieth day of *May*, in the two and twentieth yeare aforeſaid at *Rome* aforeſaid; and the laſt day of the ſame Moneth of *May*, in the two and twentieth year at *Rhemes* aforeſaid; and at divers other dayes and times before and after aſwell at *Rome* and *Rhemes*, as in divers other places in the parts beyond the Seas, did traiterouſly agree, that the ſaid *Ed. C.* and *N. M.* ſhould ſpeedily haſten into *England* to move and perſwade ſuch ſubjects of the ſaid Queen of this Kingdome of *England* as they could procure, trayterouſly to ayd ſuch ſtrangers and Aliens as they could bring and procure to make, move, and levy Warre and Rebellion in the ſame Kingdome of *England*, againſt the ſaid Queen their Soveraigne

and

and naturall Lady; And the sincere Religion of God in the same Kingdome, well and piously established, at their will, trayterously to change and alter. And that the said *E.C. N.M.* and others afterwards, that is to say the first day of *June* in the said two and twentieth yeare of the said Queen, by trayterous procurement, encouragement and meanes aforesaid *W.A.* at *Rhemes* aforesaid did trayterously take their Journey from *Rhemes* aforesaid towards this Kingdome of *England*, trayterously to fullfill and bring to passe their treason aforesaid, Contrary to their due allegiance, contrary to the peace of the said Queen, her Crown and dignity, and in manifest contempt of the Lawes of this Realme, and contrary to the forme of divers Statuts in that case made and provided.

## *Against one for uttering words to move Rebellion.*

*Midd. ff.*

THe Jurors, &c. do present that A.B. late of *C.* in the County aforesaid Tayler, intending and imagining to move sedition, discord, dissention, and Rebellion within the Kingdome of *England*, the tenth day of *May* in the year of our Lord God 1600. At *Action* in the County aforesaid, contrary to his due allegiance and fidelity maliciously, and of his owne imagination, did speak and utter these seditious and scandalous sayings and words, *viz.* This Religion would not stand past two or three years, And that there would for every English man be two Spaniards to come in to *England*, contrary to the forme of the Statute in that case made and provided, and against the peace, *&c.*

*For*

## *For counterfeiting Gold.*

*Midd.*

THE Jurors, *&c.* do preſent that *W. O.* late of K. in the County aforeſaid Yeoman, ſuch a day and yeer, *&c.* having not God before his eyes, but being led by the Inſtigation of the Divell, and intending craftily, falſely, deceitfully, and Trayterouſly to defraud and deceive the Keepers of the Liberty of *England*, authorized by Act of Parliament, and the people of this Nation, of his own proper wrong, without any authority or grant of the ſaid Keepers to him given; forty peeces of falſe money, to the faſhion and likeneſſe of peeces of good and lawfull money of *England*, called Angels, at *H.* in the County aforeſaid, of Copper, and falſe, and mixt Mettals, falſely, feloniouſly, and trayterouſly did make, counterfeit, coyn, and gild over, contrary to the Statute in that caſe made and provided, and contrary to the Peace, *&c.*

## *For uttering falſe peeces of Gold.*

*Midd.*

THE Jurors, *&c.* do preſent that *W. O.* late of *M.* in the County aforeſaid, Goldſmith, ſuch a day and yeer, *&c.* not having God before his eyes, but ſeduced by the Inſtigation of the Divell, intending falſely and deceitfully to deceive and defraud the Keepers of the Liberty of *England*, *&c.* and the people of this Nation, twenty peeces of falſe money of Gold, of Copper, and falſe and mixt Mettals, falſely and trayterouſly did make, counterfeit, coyn, and gild over to the likeneſſe

of

of peeces of good and lawfull money of *England*, called Crownes, without warrant or licenſe from the ſaid Keepers; and knowing the ſame peeces falſely and trayterouſly as aforeſaid to be made, counterfeited, coyned, and gilded, to divers of the people of this Nation of *England*, falſely, deceitfully, and trayterouſly, did deliver, expoſe, and utter, contrary to the Peace, *&c.*

*Midd.* The Jurors, *&c.* do preſent, that *I. N.* late of *T.* in the County aforeſaid Tincker, ſuch a day and yeer, *&c.* not having the feare of God before his eyes, but being led by the Inſtigation of the Divell, intending falſely, craftily, deceitfully, and trayterouſly to deceive and defraud the Keepers of the Liberty of *England*, *&c.* and all the people of the Common-wealth of *England*, at *M.* in the County aforeſaid, ten peeces of falſe money, of falſe and mixt Mettalls, to the likeneſſe of the Coyn and Money of another Kingdome, called Dollers, not being the proper Coyn of this Kingdome of *England*, nor the ſame to be currant within the Common-wealth of *England*, falſely and trayterouſly did counterfeit, make, and coyn, contrary to the form of the Statute in that caſe made and provided, *&c.* and that *I St.* late of *E.* in the County aforeſaid Taylor, before the Treaſon aforeſaid, in manner aforeſaid committed; *viz.* Such a day and yeer, *&c.* did procure, counſell, aid, and abet the ſaid *G. N.* the Treaſon aforeſaid, in manner and form aforeſaid to do and commit, contrary to the form of the Statute in that caſe made and provided, and againſt the Peace, *&c.*

*For*

## *For receiving a Seminary Prieſt.*

*Surr. ſſ.*

THe Jurors *&c.* do preſent, that whereas *H.L.* late of *Ch.* in the County of *Surrey* Clerk, otherwiſe called *F.S.* late of *Ch.* aforeſaid, in the County aforeſaid Clerk, otherwiſe called *F.P.* late of *Ch:* aforeſaid, in the County aforeſaid Clerk, was born within this Kingdome of *England*; and after the Feaſt of Saint *John Baptiſt*, in the firſt yeer of the Reign of *Elizabeth* late Queen of *England*, and the eighteenth day of *Auguſt*, in the yeer of our Lord God 150. was made and ordained a Seminary Prieſt by Authority derived and pretended from the Sea of *Rome*, as a falſe Traytor to the Keepers of the Liberty of *England*, by authority of Parliament, was, and remained within this Common-wealth of *England*, that is to ſay at *Ch:* in the ſaid County of *Surrey*, contrary to the Lawes and Statutes of the Kingdome of *England*. Nevertheleſſe one *B.F.* late of *Ch:* aforeſaid, in the County aforeſaid Gentleman, the Lawes and Statutes of the ſaid Kingdome not regarding, nor the Penalty therein contained at all fearing, knowing the ſaid *H.* to be a Seminary Prieſt, by authority derived and pretended from the Sea of *Rome*, the ſaid eighteenth day of *Auguſt*, in the yeer of our Lord God 1650. aforeſaid, at *Ch:* aforeſaid in the County aforeſaid, knowingly, wilfully and felonioufly did receive, comfort, and harbor, contrary to the form of the Statute, *&c.* and againſt the Peace, *&c.*

## *For ſaying, and hearing of Maſſe.*

*Hereſ.*

THe Jurors, *&c.* do preſent, that *A.B* late of *C.* in the County of *H*, aforeſaid Clerk, the eigth day

day of *Aprill* in the yeer, *&c.* at *C.* aforeſaid in the County aforeſaid, did voluntarily ſay and celebrate Maſſe, contrary to the form of a Statute in Parliament, of *Elizabeth* late Queen of *England*, holden at *weſtminſter* in the County of *Middleſex*, in the three and twentieth yeer of her Reign, in that caſe made and provided, againſt the Peace, *&c.* And that *E. F.* late of *G.* in the County of *H.* aforeſaid Yeoman, the ſaid eighth day of *A.* was preſent at the time of the Celebration of the ſaid Maſſe, and the ſame Maſſe ſo as aforeſaid ſaid then and there did voluntarily heare, againſt the form of the Statute aforeſaid, and againſt the Peace, *&c.*

## *For Coyning of Money.*

THe Jurors, *&c.* do preſent, that *A. B.* late of *C.* in the County aforeſaid Smith, not having God before his eyes, but led by the Inſtigation of the Divell, as a Traytor of the Keepers of the Liberties of *England*, *&c.* the day of *&c.* in the yeer, *&c.* twenty peeces of money of falſe and mixed Mettall, like unto the Coyn of this Common-wealth of *England*, called Queen *Elizabeths* ſhillings, at *C.* aforeſaid in the County aforeſaid, falſely, felonioufly, and trayterouſly did counterfeit, make, and coyn, againſt the Peace, and contrary to the Statute, *&c.*

## *For a ſlanderous Writing and publiſhing the ſame againſt the Keepers of the Liberty, &c.*

THe Jurors, *&c.* do preſent, that *A. B.* late of *C.* in the County of *Middleſex*, aforeſaid Taylor, the

the tenth day of *July* in the yeer *&c.* at *G.* in the County of *Middlesex* aforesaid, of set purpose and deliberately, and with a malicious intent, and feloniously did set forth and publish a Writing in English, containing (among other things) this false seditious and scandalous matter, to the Defamation of the Keepers of the Liberty of *England*, by authority of Parliament; *viz.* (reciting the words) against the Peace, *&c.* and contrary to the form of the Statute, *&c.*

## *Against a Jesuite, and one that received him.*

THe Jurors, *&c.* do present, that *A. B.* late of *C.* in the County of *S.* born at *L.* in the County of *S.* aforesaid, within one yeer last past is become a professed Jesuite, by authority from the See of *Rome*, trayterously at *C.* aforesaid in the County aforesaid, the day of in the yeer, *&c.* did come from the parts beyond the Seas, and the said day of in the yeer aforesaid, and at divers other daies then next following, at *C.* aforesaid in the County aforesaid, trayterously did make his aboad, against the form of the Statute of *Eliz.* late Queen of *England*, in a Parliament held at *Westminster*, in the seven and twentieth yeer of her Reign, and contrary to the Peace, *&c.* and that *W. B.* of *C.* aforesaid in the County aforesaid, Merchant, knowingly, wilfully, and feloniously afterwards, that is to say, the said day of in the yeer aforesaid, at *C.* aforesaid in the County aforesaid, did receive and comfort the said *A. B.* being then at large and out of Prison, and then and there knowing the said *A. B.* to be a Jesuite, against the form of the Statute, *&c.*

*For*

## *For the Rape of a Maid, upon the Statute of* 13. Edw: 1.

THE Jurors, *&c.* do preſent, that whereas in the Statute in Parliament, of *Edw:* the firſt, ſometime King of *England*, holden at *Weſtminſter*, in the 13. yeer of his Reign made, It was among other things provided and enacted, that if any man ſhould raviſh a Wife, maid, or any other woman which doth not conſent either before or after, ſhall have Judgment of life, and member, as in the Statute is more at large contained. Nevertheleſſe, one *A. B.* late of *C.* in the County of *H.* aforeſaid, Yeoman, the Statute aforeſaid not regarding, nor the pain therein contained fearing, the day of in the yeer, *&c. E. O.* the Daughter of *I. O.* at *C.* aforeſaid in the County aforeſaid, againſt her will Felonioufly did Raviſh, againſt the Peace, *&c.* and contrary to the form of the Statute, *&c.*

## *For the Rape of a Child under the age of ten yeers, upon the Statute of* 18. Eliz.

THe Iurors, *&c.* do preſent, that A. B of C. in the County of D. aforeſaid Taylor, the day of in the yeer of, *&c.* at C. aforeſaid in the County aforeſaid (in the dwelling houſe of *G H.* Inholder) with force and armes in and upon M. N. of C. aforeſaid, a Maiden-child under the age of ten yeers then being, Feloniouſly and Carnally did know, and the ſaid M. N. did wickedly abuſe againſt the Peace, and againſt the form of a Statute in Parliament, of *Eliz.* late Queen of Eng-

*England*, held at *Weſtmrnſter* in the County of *Middleſex*, in the eighteenth yeer of her Reign, in ſuch caſe made and provided.

*For the rape of a Maid of ſixteen years upon the Statute of* 13-Ed. 1.

*Midd. ſſ.*

THe Jurors, *&c.* do preſent. That *A. B.* late of *C.* in the County of *Middleſex* aforeſaid, Vintner, the day of in the yeare, *&c.* At *C.* aforeſaid, in the County aforeſaid, in a certaine place called, *&c.* with force and armes, in and upon *I. C.* of *G.* in the County aforeſaid, a maid of the age of ſixteen years then and there in the peace of God, *&c.* being, did make an aſſault, and againſt the will of the ſaid *I. C.* felonouſly her did raviſh, and Carnally know, againſt the peace, and contrary to the forme of the Statute in Parliament, of *Ed.* the firſt, heretofore King of *England*, held at *Weſtminſter*, in the County of *Middleſex*, in the thirteenth yeare of his Raign in that caſe made and provided.

*For cutting of a Purſe, and twonty ſhellings in it.*

*Midd. ſſ.*

THe Jurors *&c.* do preſent. That *A.B.* late of *C.* in the County of *Middleſex* Labourer, the day of in the yeare. *&c.* At *C.* aforeſaid, in the County aforeſaid, twenty ſhillings in money numbred in Purſe, being of the Goods and Chattells of *I. D.* then and there being found from the perſon of the ſaid *T. D.* with a knife, of the value of fourepence which the ſaid *A.B.* in his right hand, then and

there had and held, feloniously did cut, steale, take and cary away against the peace, *&c.*

Since the Statute of 25. *Ed.* 3. in which there was a Declaration, what should be adjudged treason, there have been several other Statutes made either as additions to, or expositions of that Statute, 21 *Ric.* 2. 2. *H.* 5. 3 *H.* 6. 8. *H.* 6 4. *H.* 7. 22. 26. 27. 28. 32. 33. 35 *Hen.* 8. 1. *Ed.* 6. all which were repealed by an act 1. *Mary.*

Since which repeale divers other offences have been made or declared treason; whereof some were additions to, or expositions of the former Statute, of 25. *Ed.* 3. 1. *Mar.* 1. 1. *Ph. & Mary* 5. 11. *&* 18. *Eliz.* in whose time, *viz.* 5. 13. 23. *&* 27. of her raigne and 3. *Jacobi* divers other offences have been made treason; which Statutes being too long to recite, I referre the reader to the originalls, and come to misprison of treasons under which notion are.

1. *To draw a sword, or strike a Justice sitting in place of judgement.*

2. *To strike a Juror in presence of the Justices sitting in place of judgement.*

3. *To strike another in* Westminster Hall *sitting in any of the Kings Courts there, in which three cases the offender shall have Judgement as in misprision of treason, and besides shall have his right hand cut off* — Stamford Pl. Coron. fol. 38.

## *What is Misprision.*

MIsprision is properly when one knoweth that another hath committed Treason or felony, whereto he was not consenting, but yet doth not discover the offender to the King, or his Councell, or to some Magistrate; but doth conceale the same, *Stamford. Pl. Coron. fil.* 37.

For

For which misprision if it be of treason, the Offender shall forfeit to the King his goods and Chattells for ever, and the profits of his Lands, during his life, and shall be imprisoned during his life. But for Misprison of Felony he shall only be fined.

And it is to be noted: That in high treason Misprision of treason and *præmunire*, that Justices of Peace neither by their Commission or any Statute cannot meddle with them in the very point of their offences, but only by way of enquiry: yet, for that all Treasons and other offences are against the peace, they may upon complaint made to a Justice of the peace, or other knowledge which he shall have of any such offenders, he may cause such offendor to be apprehended, and he and some other Justice joyning with him may take their examination, and the information upon oath of such as bring them, or of any others that prove any thing materiall against them, and put the same in writing, (under the hands of the informers) and then Commit the Offenders to the Gaole, and to binde by recognizance all such as do declare any thing material to appeare and give evidence against such offenders before the Lords of the privy Councell, or elsewhere; and after being thereto required, to certifie their proceedings unto some of the Lords of the privy Councell.

## *Petty Treason. Against a Woman poysoning her Husband, and the accessary.*

THe Jurors, &c. do present; That *E.B.* late of *M.* in the County of *Lanc.* Spinster, now the wife of *I B.* Gent. and late the wife of *R.A.* Esquier now deceased, not fearing God, nor having him before her eyes, nor considering the due obedience to

to the aforesaid *R. A.* her Husband, but led and seduced by the instigation of the Devill, the fift day of *June*, in the year of our L. God 1650. at *M.* aforesaid in the County aforesaid, with force & armes, of her malice prepensed, a certain fayned conserve, commonly called a Conserve of Pruneswith mortall poison called *Rats bane*, feloniously and trayterously did mingle and poisonknowing the poison aforesaid be poison, and the same fained conserve of Prunes so mixt, corrupt and poisoned then and there feloniously and trayterously did give to the said *R. A.* then her Husband, which *R. A.* not fearing or distrusting the mixture corruption or poison aforesaid, the same fayned Conserve with the poison aforesaid by the said *E.* so poisoned by the procurement and instigation of the said *E.* then and there did tast, eat, and swallow downe, of which said Conserve of Prunes so with the said poison as aforesaid mingled poisoned and received the aforesaid *R. A.* did most greivously languish from the aforesaid fift day of *June* aforesaid untill the sixteenth day of the same moneth of *June*, upon which sixteenth day of *June*, the yeare aforesaid the said *R. A.* so mortally poysoned with the Poyson aforesaid dyed; and the aforesaid E. the aforesaid *R. B.* her late Husband, falsely, trayterously, and feloniously of her malice fore-thought, with the Poyson aforesaid did kill, poyson, and murther, contrary to the form of the Statute, *&c.* And that *I. B.* late of *M.* in the County aforesaid Gentleman, before the aforesaid Felony and Murther, in form aforesaid committed; that is to say, such a day and yeer, *&c.* at *M.* aforesaid, the said E. to the aforesaid Treason, Felony, and Murther, in manner and forme aforesaid done, and committed, feloniously and trayterously, and

and of his malice fore-thought, did procure, aber, and Counſell, contrary to the form of the Statute, *&c.* And that the ſaid *I. B.* knowing the aforeſaid E. the Treaſon, Felony, and Murther aforeſaid ſo committed, ſuch a day and yeer, *&c.* at *M.* aforeſaid, *&c.* the ſame E. felonioully, and trayterouſly did receive, comfort, dyet, lodge, and ſupport, contrary to the form of the Statute in that caſe made and provided, and contrary to the Peace, *&c.*

## *Againſt a Servant for killing his Maſter.*

THe Iurors, *&c.* do preſent, that C. D. late of E. in the County of G. Labourer, late Servant of H. I. of E. aforeſaid, in the County aforeſaid Yeoman ſuch a day and yeer, *&c.* at E. aforeſaid, with force and armes; *viz.* With one Sword and Dagger drawn, of the value of ten ſhillings, which the ſaid C. D. then and there in his hands held upon the ſaid *H. I.* then his Maſter, in the peace of God and the Keepers of the Liberty of *England*, *&c.* being wilfully and of his malice fore-thought, did make an aſſault, and the ſame *H. I.* then his Maſter, then and there with the ſaid Sword, felonioufly and trayterouſly upon his head with great force did ſtrike, ſo that with the ſaid blow the head of the ſaid *H. I.* then his Maſter, then and there in two parts did cut, giving him a mortall blow, of which the body of the ſaid *H. I.* immediately there fell on the Earth, and the ſaid *H. I.* inſtantly there of the ſaid blow dyed; and ſo the foreſaid C. D. at E. aforeſaid, of his malice forethought the ſaid *H. I.* his Maſter, in manner and form aforeſaid wilfully, wickedly, felonioufly, and

trayterouſly did ſlay, and that one *L N.* late, *&c.* before the Treaſon aforeſaid by the ſaid C. D. as aforeſaid wilfully done and committed; *viz.* Such a day and yeer, at, *&c.* the ſame C. D. to the Treaſon aforeſaid in form aforeſaid to be done and committed, felonioufly did counſell, excite, and procure, contrary to the Peace, *&c.*

## *Indictment of a man poyſoning his Wife.*

*Staff. ſſ.*

THe Iurors, *&c.* do preſent, that *A. B.* late of C. in the County of *Stafford* aforeſaid Tanner, not having God before his eyes, but being ſeduced by the Inſtigation of the Divell, the tenth day of A. in the yeer, *&c.* at C. aforeſaid, in the County aforeſaid, with force and armes, of his malice fore-thought, A certain drink called an Ale bery, with deadly poyſon called Ratsbane and Arſnick, knowing the ſaid poyſon called Ratsbane and Arſnick to be poyſon, felonioufly did mingle and poyſon, and the ſame drink called an Ale bery, ſo with poyſon mixt then and there, wilfully and felonioufly did give unto E. B. then his Wife, to eat and ſwallow, which the ſaid E. not diſtruſting, or fearing the mixture, corruption, and poyſoning aforeſaid, the ſame Drink with the poyſon aforeſaid mixt, corrupt, and poyſoned, by the procurement and Inſtigation of the ſaid A. B. did take, drinke, and ſwallow, of which drink ſo mingled, poyſoned, and corrupted, by the working of the ſaid deadly poyſon, the ſaid E. B. at C. aforeſaid, did grievouſly languiſh, from the ſaid 10 day of A. untill the fourteenth day of the ſame month, upon which fourteenth day of A. the ſaid E. ſo mortally poyſoned by the ſaid A. her Husband at C. aforeſaid

aforesaid, in the County aforesaid, of the Drink aforesaid so mixt with poyson as aforesaid, dyed, and so the aforesaid A. B. the aforesaid E. B. his Wife, falsely, wilfully, and feloniously, of the malice of the said A. B. fore-thought, did kill, poyson, and murther, against the Peace, and contrary to the form of the Statute.

*For a Murther and Procurrent in the high-way.*

*Essex. ß.*

THe Iurors, *&c.* do present, that A B. late of C. in the County of D. Labourer, the tenth day of O. in the yeer, *&c.* between the houres of six and seven of the Clock in the afternoon, of the same day, not having God before his eyes, but seduced by the Instigation of the Divell, of his malice forethought, with force and armes, *&c.* in and upon *R. P.* in the Kings high way, at *P.* in the Parish of *S.* in the County of *E.* then and there, in the Peace of God, *&c.* being, did make an assualt, and with one staffe of the value of two pence, which said the A. B. held in both his hands, the said *R. P.* upon the right part of his head, then and there feloniously did strike, giving to the said *Richard* then and there, with the aforesaid staffe, one mortall blow, in length two inches, and in depth halfe an inch, of which mortall blow the said *R P.* at *E.* in the Parish of *S.* aforesaid in the County of *E.* aforesaid, from the said tenth day of O. in the yeare aforesaid, untill the second day of *February* then next following, did languish, upon which second day of *Feb.* in the year aforesaid, the said *R. P.* of the said mortall wound died.

And ſo the Jurors aforeſaid, upon their Oathes, do ſay, that the ſaid *A.B.* the ſaid *R. P.* within the Pariſh of *S.* aforeſaid, in the County of *E.* aforeſaid, the ſaid firſt day of *Febr.* in the year aforeſaid of his malice forethought in manner and forme aforeſaid felonioufly did kill and murder againſt the peace, &c. And that *Kath P.* wife of the ſaid *R.* late of *L.* aforeſaid in the County aforeſaid Spinſter, before the felony and murther by the ſaid *A.B.* in manner and forme aforeſaid committed, that is to ſay the ninth day of O. in the yeare aforeſaid the ſame A B. at *L.* aforeſaid in the County aforeſaid unto the felony and murder aforeſaid, in manner aforeſaid, to be done and committed felonioufly did excite, abet, and procure, againſt the peace, &c.

*For the murder of a Baſtard Child by the Mother and Mid-wife, and Acceſſaries before and after.*

*Norff.*

THe Jurors, &c. do preſent, That A.B. late of &c. Widdow being great with Child with a certaine living Infant, the twentieth day of *May* in the yeare of our Lord God 1650. At *P.* in the County aforeſaid, by the providence of God brought forth a Female Child alive. And afterwards, one *C. D.* late of *P.* aforeſaid, *&c.* At *P.* with force and Armes of her malice fore thought, the ſaid twentieth day of *May*, in the yeare aforeſaid about eleven of the Clock in the fore-noone of the ſame day by the Counſell command and procurement of the ſaid A. B. and in the preſence of her the ſaid A. B. upon the ſaid living Female Child

Child, did make an assault, and with a Knife of the value of one peny which the said *C.* in her right hand then held, the throat of the said Female Child, then and there did cut, giving to the said Female Child a certaine mortall wound in her said throat, of which mortall wound the said Female Childe at *P.* aforesaid in the County aforesaid then and there instantly died. And that the aforesaid A. B. then and there feloniously was present comforting and ayding, to the killing of the said Female Child in manner aforesaid. And so the said A. B. and *C. D.* the foresaid Female Childe of their malice forethought feloniously and wilfully did kil and murder, contrary to the peace, &c. And the said Jurors do further present that *E.F.* late of, &c. the sixteenth day of *May*, and at divers other dayes and times before the said Felony and Murder in forme aforesaid committed at *P.* aforesaid, in the County aforesaid, malitiously and feloniously did counsell, command, procure, and abet the said A. B. the said willfull murder to commit, and the said Female Child, to kill and murder against the peace, *&c.* And further that *G. H.* and *I. K.* of *P.* aforesaid Spinsters, after the felony and murder in forme aforesaid done, her the said A. B. at *P.* aforesaid in the County aforesaid—Such a day and yeare, *&c.* feloniously did receive against the peace, *&c.*

*For murder of a Woman by Crushing and beating her with fists.*

*Vox.ff.*

THe Jurors, *&c.* doe present that such a day and year, about ten of the clock in the forenoone of the

the ſame day, one A.B. of &c. in the ſaid County Labourer, and one *C.D.* of &c. in the ſaid County Labourer, by the ſpeciall command and direction of *E.F.* of &c. of their malice forethought, not having God before their eyes, but led by the inſtigation of the Devill, with force and armes, that is to ſay, with Staves, &c. and other weapons alwell invaſive, as defenſive, by the ſpeciall command of the aforeſaid *E.T.* in and upon one *G.H.* being then great with Child, at *L.* in the ſaid County, did make an aſſault, and that the *G.* did then and there beat, wound, and evill intreat, and allo the ſaid A.B. by the command of the ſaid *E.F.* the ſaid *G.* then and there upon the ground did caſt, and with his knees upon the ground aforeſaid, did Cruſh the body of the ſaid *G.* and the foreſaid *G.* then and there, by the haire of her head did draw, and the head and face of the ſaid *G.* with his fiſts did beat and wound, and the ſaid *G.* by the neck did ſtrangle, and evill intreat, of which aſſault wounds, ſtrokes, evill intreating, and other enormities aforeſaid, the ſaid day of aforeſaid about the houre of ten a clock in the afternoone of the ſame day, at *L.* aforeſaid died. And that the foreſaid *C.D.* by the Command of the foreſaid *E.F* the ſaid day of in the yeare aforeſaid, at *L.* aforeſaid, upon the ſaid *G.* did make an aſſault: and her with a Staffe price, &c. which he then and there, held up, did beate, of which aſſault, beating, and evill intreating the ſaid *G* had died, if ſhe had not died by the wounds, blowes, evill intreating, and other enormaties, to her by the ſaid A. B. there given; And ſo the ſaid A. and C. by the command of the ſaid *E. F.* in manner and forme aforeſaid feloniouſly, and of their malice forethought did kill, and murther againſt the peace.

For

## *For Burglary and murder by ſtrangling.*

*Devon. ſſ.*

THe Jurors, *&c.* do preſent. That *H. I.* late of *&c.* in the Conuty aforeſaid Labourer, & *W. C.* late of *&c.* in the ſaid County Labourer, the tenth day of *June* in the year of our Lord God 165⅓. about ten of the clock in the after noone, *viz.* in the night of the ſame day at *P.* in the County aforeſaid the manſion houſe of one *H. H.* with force and armes, feloniouſly and burglarly did break and enter, and the ſaid *H.* and his family in the houſe aforeſaid being, and by the ſaid *H. I.* and *W C.* in feare of their lives being put, with intent to kill, murder, and deſtroy, one *W. H* late of *&c.* in the ſaid houſe then and there being, and that the ſaid *H. I.* and *W. C.* the ſaid day, year, place, and houre of the malice of them the ſaid *H.* and *W* forethought upon the ſaid *W. H.* in a certaine Bed in a Chamber, parcell of the ſaid manſion houſe being found, did make an aſſault, and then and there with their hands, and a certaine Handkercher of the value of *&c.* by them the ſaid *H. I.* and *W C.* then and there held about the neck of the ſaid *W. H.* did faſten, and the ſaid *W.* of the malice of the ſaid *H. I.* and *W. C.* forethought, did then and there choke and ſtrangle, of which choaking and ſtrangling the ſaid *W. H.* then and there inſtantly died, and the foreſaid *H. I.* and *W C.* of their malice forethought, in forme aforeſaid at *P.* aforeſaid in the County aforeſaid, feloniouſly did kill and murder againſt the peace, &c.

For

## *For Manſlaughter.*

*Kent. ſſ.*

THe Jurors, &c. doe preſent that A. B. late of *C.* in the County aforeſaid Yeoman, the 20 day of *October*, in the yeare of our Lord God, 1652. at *D.* in the County aforeſaid with force and armes, in and upon one *E. F.* in the peace of God and *&c.* being, did make an aſſault, and with a Sword, of the value of five ſhillings, which he then in his right hand did hold, upon the head of the ſaid *E. F.* a mortall wound in length three inches, and in depth two inches, of which mortall wound the ſaid *E. F.* inſtantly died. And ſo the ſaid Jurors do ſay that the ſaid A. B. the ſaid *E. F.* the ſaid twentieth day of *October* in the year aforeſaid at *D.* aforeſaid felonioufly did ſlay and kill, againſt the peace.

## *For killing one with an Arrow by miſchance.*

*Leceſter.*

THe Jurors, &c. do preſent, That whereas *T. I.* late of *S.* in the County aforeſaid Yeoman, ſuch a day and year, at *L. &c.* with divers other perſons Archers ſhooting at certaine marks in length, an hundred and twentie paces. That the ſaid *T. I.* the day and year aforeſaid, at *L.* aforeſaid ſhooting at a mark at the length aforeſaid, And one *T. H.* a deare friend of the ſaid *T. I.* together with divers other perſons there preſent, deſirous to ſee the fall of the Arrow of the ſaid *T. I.* when the ſaid Arrow was flying, came before others ſo neare the marke, *viz.* within the ſpace of three foot, and the ſaid Arrow being ſhot from the ſaid Bow by the ſtrength thereof

thereof flying at large, the foreſaid *T. H.* being ſo neare the mark, in manner and forme aforeſaid then and there againſt the will of the ſaid *T. I.* into his belly did ſhoot, and gave unto the ſaid *T. H.* then and there a mortall wound, of which mortall wound the ſaid *T. H.* of *L.* aforeſaid, untill the fourteenth day of *July*, then next following, did languiſh, upon which fourth day of *July* the yeare aforeſaid about one of the clock afternoone of the ſame day, the ſaid *T. H.* of the wound aforeſaid died. And ſo the ſaid *T. H.* came to his death and not otherwiſe.

## *For homicide by a mad man.*

*Hereſſ.*

THe *Jurors &c. do preſent. That* A. B. *late of* C. *in the County aforeſaid Yeoman, the tenth of* June *in the yeare of our Lord God,* 1653. *not having God before his eyes, but being led by the inſtigation of the Devill, and not being in his right mind, but in fury and madneſſe, with force and armes, and felonioufly at* C. *aforeſaid, in the County aforeſaid, in and upon one* C. D. *did make an aſſault, and the foreſaid* C. *with a Staff of the value of one peny which the ſaid* A. B. *in his hands then and there had and held the ſaid* C. D. *upon his head felonioufly did ſtrike, and gave to the ſaid* C. *a mortall wound, in length, &c. and in depth, &c. of which mortall wound the* C. D. *inſtantly died; And ſo the ſaid* A. B. *not being in his right minde nor ſound memory, but in his fury and madneſſe the ſaid* C. D. *at* C. *aforeſaid the day and year aforeſaid felonioufly did kill againſt the peace, &c.*

*Having*

Having hitherto given ſome precedents of Indictments, which concerne Mans life, it will not be unmethodicall in the next place, to ſet downe ſome which concerne that which is next our lives, and that is our good Names: whereof I will ſhew only two, which *mutatis mutandis* may ſerve for many of the like nature.

### *For ſlandering a Judge of Aſſiſe.*

*Lanc. ſſ.*

THe Jurors do preſent, *&c.* That whereas *David Pennington* late of A in the County aforeſaid Yeoman, at A aforeſaid in the County aforeſaid, and *N.P.* late of, *&c.* Labourer with force and armes felonioufly, and of their malice forethought one *W. W.* in the year of our Lord God 1650. had ſlaine and murdered. And whereas afterwards that is to ſay, the firſt day of *May*, in the yeare of our Lord God 1951. One *Thomas Cudlaw*, at *L.* in the County of *Lanc.* in conſideration of eighteen pounds of lawfull money of *England*, to him by one *I. P.* contented and paid, undertook that the murder of the ſaid *W. W* before the Juſtices, &c. at *Lanc.* at the next generall Gaole delivery at *Lanc.* then next to be holden ſhould be preſented and found againſt the ſaid *D. P.* manſlaughter only, and not murder; And whereas alſo afterwards, *viz.* ſuch a day and year—At *Lanc.* in the County of *Lanc.* before *I.B.* and *Fr. R.* two Juſtices of the

the Keepers, &c. at the Generall Gaole delivery, then and there holden by the Oaths of twelve good and lawfull men, of the County of *Lanc.* it was found and preſented; That the aforeſaid *D. P.* and *W. P.* with force and armes, feloniouſly and of their malice forethought the ſaid *W. W.* did kill and murder, and ſo the killing of the ſaid *W. W.* then and there was found murder, and not Manſlaughter only; By reaſon whereof the ſaid *I. P.* required the ſaid *T. G.* to pay back the ſaid eighteen pounds to the ſaid *John*, which money the ſaid *T. G.* did altogether refuſe to pay to the ſaid *I.* ſaying and alledging that he had had given and paid the ſaid eighteen pounds to certaine perſons, *viz.* to the ſaid *F. R.* one of the Juſtices aforeſaid, ten pounds. That the ſaid *T. G.* late of &c. in the County aforeſaid Yeoman the firſt day of *June* in the ſame yeare at *Lanc.* aforeſaid in the County aforeſaid malitiouſly, contemptiouſly, and opprobriouſly in the publick reproach, ſcandal and defamation of the foreſaid *F. R.* being one of the Juſtices aforeſaid his degree and dignity, did openly and publiquely ſpeak and utter theſe falſe, fayned, ſcandalous and opprobrious words following, *viz.* That Juſtice *R.* meaning the ſaid *F. R.* had ten pounds, meaning ten pounds, part of the foreſaid eighteen pounds. Whereas in truth no ſuch thing was by the ſaid *F. R.* were ever ſpoken, toucht or thought, by reaſon of the ſpeaking and uttering of which words, the ſaid *T. G.* the ſaid *F. R.* his eſtate, degree and dignity hath brought into great reproach and contempt, aſwell among the nobility and great men of this Common wealth, as alſo among other good and faithfull people thereof, and contrary to the forme of divers Statutes in that caſe made and provided.

For

*For ſlandering a Common perſon.*

*Somerſet ſſ.*

THe Iurors, *&c.* do preſent, That whereas A.B. of *C.* in the County aforeſaid Yeoman, hath alwayes been of good name and fame, and of honeſt behaviour and converſation, and without any ſcandall, and without any ſtaine of robbery, theft, or any other cryme, and without any ſcandall of the ſame, and from all manner of deceipts and frauds, and evill doings, hath been from the time of his birth, untill this time hath well behaved and governed himſelfe, and of ſuch ſtate, converſation, and honeſty, hath been among all his Neighbours, and all other people of this Nation, to whom he was known without any whatſoever criminous wickedneſſe of robbery, theft, or any other fraud, or other ſuch like crime hitherto charged upon him; Nevertheleſſe one *S.P.* late of *Q.* in the County aforeſaid VVeaver, knowing the premiſes to be true by the inſtigation of the Devill, and his own perverſe malice, intending the eſtate, honeſty, and opinion of the ſaid A. to deprave and hurt, and the ſaid A. to be taken to be of ſo evill converſation, condition, and behaviour towards all the good and faithfull people of this Nation, that he the ſaid A. ſhould utterly periſh and be deſtroyed; And that all the faithfull people of this Nation ſhould withdraw themſelves from his ſociety and company—ſuch a day and yeare, &c. At *P.* in the County aforeſaid in the preſence and hearing of *T. S.* and divers other credible perſons to the ſaid A. knowne of the ſaid A. did ſpeak, report, publiſh, and with a loud voice, pronounce theſe Engliſh words following, *viz.* A.B. is acquainted with all

all the Rogues and Theeves in the Countrey; and doth harbour many known Theeves in his Houſe, by reaſon of the ſpeaking, uttering, and relation of which words, the ſaid A. in his eſtate, good name, and his Affaires with honeſt men, with whom he had commerce, is very much hurt and damaged, and contrary to the peace *&c.*

## *For Burglary.*

*Cumbar.*

THe Iurors, *&c.* do preſent, that *I.D.* late of *E.* in the County aforeſaid Labourer the tenth day of *October* in the yeare of our Lord God 1650. between the houres of 10. and 11. of the clock in the night of the ſame day at *N.* in the ſaid County, the manſion houſe of *I.B.* Eſquier, feloniouſly, & burglarily did break, and enter, Anne the wife of the ſaid *I.P.* then in the ſame houſe in the peace of God, and the Keepers of the liberty of *England* then being, and then and there twenty pounds of the Goods and Chattells of the ſaid *I. P.* then in a certaine Cheſt in the ſaid houſe being found, feloniouſly, and burglarily did take and carry away againſt the peace, &c. And that *H. I.* Late of *N.* aforeſaid, in the County aforeſaid Labourer, before the felony and Burglary, by him the ſaid *I. D.* in forme aforeſaid committed and done, *viz.* the fifth day of the ſaid moneth of *October*, in the yeare aforeſaid at *N.* aforeſaid to commit the ſaid felony and Burglary, in form aforeſaid; in forme aforeſaid did excite, abet, and procure, &c. againſt the peace; And that *R. S.* late of *N.* aforeſaid in the Connty aforeſaid Labourer, knowing the ſaid *I.D.* the ſaid ſaid felony and Burglary to have done and committed the ſaid *I. D.* the day

of, &c. in the ſaid yeare, after the felony aforeſaid by him the ſaid *I. D.* to be done and committed at *N.* aforeſaid, feloniouſly did receive comfort and entertaine againſt the peace. &c.

## *Another for Burglary.*

Cambridge.

THe *Jurors, &c. do preſent that* A. B. *late of* C. *in the County Labourer, the tenth of* October, *in the yeare of our Lord God* 1652. *about the houre of eleven of the Clock afternoone (that is to ſay) in the night of the ſame day, at* S. *in the County aforeſaid, the manſion houſe of one* R. F. *with force and armes, feloniouſly and Burglarily did break and enter, with intent feloniouſly to ſteale the Goods and Chattells of the ſaid* R. F. *in the houſe of the ſaid* R. F. *then being, the ſaid* T. F. *and his family in the ſaid houſe then and there being, and in great bodily feare put, by the breaking and entring aforeſaid againſt the peace.*

## *For breaking a Houſe, and ſtealing Goods in the day time. Upon the Stat.* 39. Elizab.

*Lanc.*

THe Jurors, &c. do upon their Oathes preſent, That *T. G.* Late of *H.* in the County aforeſaid Husbandman the firſt day of *July*, in the yeare of our Lord God, 1652. in the day time, between the houres of eight and ten of the clock of the ſame day at *H.* aforeſaid, in the County aforeſaid, the manſion houſe of *R. O.* with force and armes feloniouſly did break and enter, no perſon in the ſame houſe

houſe then and there being, and then and there with force and armes, ſix Pewter diſhes of the value of ſix and twenty ſhillings in money numbred of the Goods and Chattells of the ſaid *R.O.* then and there in the ſaid houſe being found felonioufly did ſteale, and carry away againſt the peace, *&c.*

## *Againſt a Woman murdering her Child.*

*Derby ſſ.*

THe Jurors, *&c.* do preſent, That *A.B.* late of *C.* *&c.* in the County aforeſaid Spinſter, being with Child, with a certaine live Infant, ſuch a day and yeare, *&c.* about twelve of the Clock in the afternoon, *viz.* in the night of the ſame day, at *C.* aforeſaid in the County aforeſaid, by the providence of God, a certaine Male Child borne alive in a certaine houſe ſecretly, and without the knowledge, or company of any other Woman, did beat and bring forth, that the aforeſaid *A.B.* late of *C.* aforeſaid of malice of the ſaid *A.* forethought the ſaid male Child ſo borne alive, and in a naturall being then and there, that is to ſay immediatly after the birth of the ſaid male Child, felonioufly did Choak and ſtrangle; By reaſon of which choaking and ſtrangling the foreſaid male Child, then and there inſtantly died. And ſo the foreſaid *A.B.* the male Child aforeſaid, in manner and forme aforeſaid, felonioufly and of the malice forethought of the ſaid *A.B.* did kill and murder againſt the peace, *&c.*

## *For a Murder by two.*

*Nott.*

THe Jurors, &c. do preſent, That A. B. late of *&c.* and *C.D.* late of, *&c.* ſuch a day and year, At *&c.* with force and armes of their malice prepenſed, in and upon one *E. F.* then and there in the peace of God, and the Keepers of the Liberty of *England*, *&c.* being, did make an aſſault, And the foreſaid A.B. with a certaine drawn Sword, of the value of five ſhillings, which he the ſaid A. B. in his right hand, then and there had, and held, the ſaid E.F. upon the forepart of his head willfully and felonioufly then and there did ſtrike, and with that ſtroke did give unto the ſaid *E. F.* one mortall wound in length three inches, and in depth five inches and a halfe, of which mortall wound the ſaid *E.F.* then and there inſtantly and immediatly died: and further that the ſaid *C. D.* with a certain Staffe to the value of one halfe peny which in his hands he then and there held the ſame *E. F.* then and there willfully and felonioufly did ſtrike upon his head, giving to the ſaid *E.F.* another mortall wound in his ſaid head in length three inches, and in depth two inches, of which ſaid laſt blow the ſaid *E.F.* died, if he had not dyed of that firſt ſtroke, which the ſaid A.B. firſt gave him; And ſo the Jurors aforeſaid ſay, that the foreſaid A B. and C.D. the ſaid firſt day of *September* in the yeare aforeſaid at *N.* aforeſaid, in manner and forme aforeſaid, of their malice forethought, the ſaid *E. F.* willfully and felonioufly did kill and murder, contrary to the peace, *&c.* And that I. *H.* late of *&c.* before the felony and murder aforeſaid, by the ſaid A. B. and C.D. ſo in forme aforeſaid committed and perpetrated,

petrated, *viz.* such a day and yeare, &c. At &c. the foresaid A. B. and C. D. to the felony and murder aforesaid, in manner aforesaid to be done and perpetrated, did counsell, incite, abet and procure against the peace, *&c.*

## *For killing a Man by Witchcraft.*

*Suff.*

THe Jurors *&c.* present that A. B. late of *&c.* such a day and yeare, &c. at *G.* in the County aforesaid, certaine detestable arts called Witchcraft and sorcery, wickedly and feloniously did practise and exercise, in and upon one C. D. of *&c.* by which arts the said C D. the twentieth day of *Aug.* in the yeare of our Lord aforesaid most dangerously and mortally fell sick and languished, and the said twentie fourth day of *Aug.* in the yeare aforesaid, the said C.D. by the Arts aforesaid, at *G.* aforesaid, in the County aforesaid died. And so the Jurors present that the said A. the said C.D. at G. aforesaid, in manner and forme aforesaid, of her malice forethought, willfully, divelishly, wickedly and feloniously, by the Arts aforesaid did kill and slay, contrary to the forme of a Statute in Parliament, held at *Westminster* in the County of *Midd.* in the first of his Raigne aforesaid in that case made and provided, and contrary to the peace, *&c.*

## *For burning a dwelling house.*

*Lincoln.*

THe Jurors, *&c.* upon their Oaths do present; That *I.S.* late of *W.* in the County aforesaid Labourer, not fearing God, nor having him before his eyes, but being led by the instigation of the Devill, the sixt day of *August*, in the yeare of our Lord God, 1651. about the houre of foure of the Clock in the afternoone of the same day at *W.* aforesaid in the County aforesaid, into the mansion house of one *T.R.* a Cole of fire malitiously, willfully, and feloniously did put, and then and there with the said cole of fire the foresaid mansion house and one Barne of the aforesaid *T.R.* there, and six Oxen coloured black, of the price of thirty pound of the Goods and Chattells of the said *T. R* in the said Barne then and there being, malitiously, willfully, and feloniously did burn, destroy, and totally consume, against the peace, *&c.*

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Theſe offences aforementioned, and all other againſt the peace are inquirable and triable at the Goale delivery before the Juſtices of Aſſiſe, but very ſeldome any of theſe great Offenſes are determined at the Quarter Seſsions; but of ſuch as uſually are there inquired of, and determined, you may take theſe Precedents, and afterwards ſome Rules, by which the Juſtices of Peace do regularly proceed.

*For a forcible entry and detayner upon the Statute of* 8.H. 6.

THe Jurors, *&c.* doe upon their Oath preſent, That whereas in a Statute in the Parliament of *Henry* the ſixt. late King of *England*, holden at *weſtminſter*, in the eight year of his Raigne, among other things it is contayned; That if any perſon by ſtrong hand ſhall be expelled or diſſeiſed; or ſhall peaceably being expelled, ſhall by ſtrong hand be kept out of the ſame, or Feoffment or diſcontinuance thereof after ſuch entry be any way made to defraud or take away the right of the poſſeſſor; the party grieved in this caſe may have againſt ſuch diſſeiſer an aſſiſe of novell diſſeiſion, or a Writ of Treſpaſſe; And if the partie grieved by his Aſſiſe or Action of Treſpaſſe, do recover by Verdict, or by any other means by due courſe of Law it be found that the Defendant entred into the Lands by force

or after his entry, held the ſame by force, that then the Playntiff ſhould recover treble damages againſt the Defendant, and ſhould alſo make Fine and ranſome to the King, as in the ſaid Statute more at large is contained. Nevertheleſſe one A. B. late of C. in the ſaid County Gentleman, not regarding the ſaid Statute, nor fearing the penalty in the ſaid Statute conteyned, the tenth day of *Auguſt*, in the year of our Lord God 1650. at C. in the County of *Lanc.* aforeſaid, with force and armes, and ſtrong hand into one meſſuage, and ten Acres of Paſture, and five Acres of Meadow, then in the poſſeſſion of *R. C.* and of freehold of T. C. did break and enter, and then and there with force and armes, and with ſtrong hand, the foreſaid R. C. out of the ſaid meſſuage, and ten Acres of Paſture, and five Acres of Meadow, with the appurtenances did expell, and the ſaid T. C. with force and armes, and ſtrong hand, then and there, thereof did diſſeiſe, and the ſaid R. C. ſo from the ſame being expelled, and the ſaid T. C. ſo being thereof diſſeſed from the foreſaid meſſuage, and ten Acres of Paſture, and five Acres of meadow with the Appurtenances, and from his poſſeſſion thereof, from the ſaid tenth day of *Auguſt*, untill the day of the taking of this inqueſt, with force and armes, and ſtrong hand, did keep out, and untill this time doth keep out and detaine, to the great damage of the ſaid R. C and T. C. contrary to the forme of the Statute aforeſaid, and againſt the peace, *&c.*

*For*

## *For a forcible entry upon the ſtatute of 5. Ri. 2d.*

THe Jurors, &c. do preſent, That whereas by a Statute in Parliament of *Richard* the ſecond, late King of *England*, holden at *Weſtminſter*, in the County of *Middleſex*, in the fift yeare of his Raign made, It was ordayned, That from thenceforth no man ſhould make entry into any Lands or Tenements, but in caſe where the entry is given by Law, & in ſuch caſe not with ſtrong hand, nor with multitude of people, but in peaceable and quiet manner only. And if any man ſhould from thence forth do otherwiſe, and ſhould thereof by due means be convicted, he ſhould be puniſhed by impriſonment of his body, and ranſomed at the Kings pleaſure, as in the ſaid Statute more at large is contained. Nevertheleſſe one A. B. late of C. in the ſaid County of *L.* Gent. and *D.E.* late of *C.* aforeſaid Gent. and other malefactors yet unknown to the ſaid Jurors, the Statute aforeſaid, not regarding, nor the puniſhment in the ſame Statute conteyned, nor at all fearing, the firſt of *May*, in the yeare of our Lord God 1652. at *C.* aforeſaid in the County aforeſaid in one meſſuage, and ſix Acres of Land and ſix Acres of paſture with the Appurtenances, then in the tenure or occupation of *L. M.* by force of a demiſe thereof made to the ſaid L. by N.O. Gent. made, upon the poſſeſſion of the ſaid L. where entry to the ſaid A. B. and D.E. or either of them was not given by the Law, unlawfully did enter & the ſaid *L.* then & there unlawfully did expell, and the ſaid L. ſo from the ſame meſſuage, &c. and from his poſſeſſion expelled from the ſaid firſt day of *May* in the ſaid year, &c. untill

untill the taking of this inquiſition unlawfully, and with ſtronge hand have kept out and detayned, and do ſtill keep out and detaine, to the great damage of the ſaid L. contrary to the forme of the Statute, and againſt the peace, &c.

## *For a riotous aſſault.*

*Durham.ß.*

THe Jurors, *&c.* do preſent that *Cuthbert P.* late of *R.* in the County of *D.* aforeſaid Yeoman, and D. L. late of R. aforeſaid Yeoman, gathering to them many other malefactors, and diſturbers of the peace of the Keepers of the liberty of *England, &c.* to the Jurors unknown, to the number of ten Perſons unknown the ſecond day of *Iune* in the yeare of our Lord God, 1652. A. M. in the ſaid County of D. with force and armes, that is to ſay, with Staves, Swords, Daggers, and other armes, and Armour aſwell invaſive as defenſive did riotouſly and routouſly, and unlawfully, unite, gather, and aſſemble themſelves together, to the great terror of the people, with intent to diſturbe the peace of the Keepers. And ſo being gathered and aſſembled together, then and there with force and armes, and riotouſly in and upon T. I. then and there in the peace of God, and of the Keepers, &c. being, an aſſault and affray did make; and him the ſaid T. I. then and there with force and armes, and riotouſly did ſtrike, beat, wound, and evil intreat, ſo that he deſpaired of his life, and other hurts to him the ſaid T. I. did to the great damage of the ſaid T. I. contrary to the forme of divers Statutes in ſuch caſe made and provided, and againſt the peace, *&c.*

*For*

## *For a Riot and rebellious assembly, upon the Statute of* 1. Mary.

*Lanc. ss.*

THe Jurors, *&c.* do present, That A. B. (and twelve at least, to be named with their additions and dwelling places) the tenth of *November* in the yeare of our Lord God 1652. between the hours of eight and ten of the clock in the forenoone of the same day, at H. in the said County of *Lanc.* with force and armes, aswell invasive as defensive, that is to say, with Swords, Daggers, Staves, and Clubbs, did gather, and assemble themselves together, and then and there so being assembled, intended, endeavoured, practised, and put in use, and with force of armes unlawfully, and upon their owne authority to cast down, cut, break, and destroy a stone Wall, and closure of a Close and Parke of T.P. Esquier called H. Parke, with intent that the said Close & Parke called H. Parke, should remaine open, and not inclosed, and unlawfully to have a Common way in the same Close and Parke, and to destroy the Deer in the said Close and Parke then being. And the Jurors do further upon their foresaid oaths present, that upon complaint thereof made before I. B. one of the Justices of the peace of the said County, All and singular the said A. B. *&c* the rest, *&c.* then and there, by the said I. B. the Iustice aforesaid were required, and commanded by Proclamation, in the name of the Keepers, *&c.* then and there by the said I. B openly made, should in peaceable and quiet manner to withdraw, retire, depart, and returne to their habitations, places and dwellings from whence they came

came, which Proclamation then and there in forme aforesaid had and made the said *I. B.* Iustice then and there with a high voice made one Oyes, and then and there these words following immediatly, and with a loud & audible voice did pronounce saying, The Keepers of the Liberty of *Engl.* by authority of Parliament, do straitly charg and command all persons being assembled immediatly to disperse themselves, and peaceably to depart to their owne habitations, or to their lawfull businesse, upon the paines contained in the Act of Parliament lately made against unlawfull and rebellious assemblies. And the Iurors aforesaid further upon their said Oath do say; That notwithstanding the said Proclamation, in manner and forme aforesaid by the said I.B. the Iustice openly then and there had and made, Nevertheless all and singular the said A.B. &c. at H. aforesaid, by the space of one houre immediatly, and continually after the said Proclamation, so as aforesaid had and made, seditiously, and feloniously remained, and continued together, and after the requiring and command made by Proclamation in manner and forme aforesaid, with force and armes, and in a violent manner then and there the said stone-wall and inclosure of the said T.P. of his close and Parke aforesaid, feloniously did cut, break, and cast downe in great contempt of the said Keepers, and contrary to the Statute, &c. and against the peace,

*For a felonious reſcous.*

*Hunt. ß.*

THe Jurors, *&c.* upon their Oaths do preſent, That the firſt day of *July*, in the year of our Lord God, 1652. one A. B. late of *C.* in the County of *H.* aforeſaid Labourer was take & arreſted by *E.F.* upon ſuſpition of Felony, that is to ſay, for ſtealing of one Cow of the ſaid *E. F.* by the ſaid A. B. felonioufly, as the ſaid *E. F.* then affirmed, taken and driven away, and that he immediatly after was by the ſaid *E. F.* unto one *H. M.* Conſtable of *C.* aforeſaid, who afterwards, that is to ſay, the ſame firſt day of *July* in the yere aforeſaid, the ſaid *A.B.* in priſon in the Stocks there did put, there to be ſafely kept, untill the ſaid Conſtable could procure aid to bring the ſaid *A.B.* before ſome Juſtice of the peace in the County aforeſaid to be examined, and that afterwards, that is to ſay, the ſaid firſt day of *July* in the year aforeſaid, one *E. L.* late of *M.* in the ſaid County of *Hunt.* Labourer, with force and armes the Stocks aforeſaid did break, and the ſame *A.B.* then and there being, out of the ſame Cuſtody, Priſon and Stocks felonioufly did take away and reſcue, and ſuffered him to eſcape and go away againſt the peace, *&c.*

*For a reſcous upon a Bailiffe.*

*Lanc. ß.*

THe Iurors, *&c.* upon their Oath do preſent, That whereas *I. R.* Bayliff of the ſaid Keepers &c.

of

of *Darby* by vertue of a precept of the ſaid Keepers of *Levari facias* to him directed by H. N. Gent. Steward of the Wapentake Court of the ſaid Keepers, *&c.* of *Darby*, did take one Braſſe Pot of the Goods and Chattells of E K. the relict of I. K. of W. in the County of *Lanc.* to take and levy the ſumme of ſix ſhillings eight pence againſt the ſaid E. K. recovered in the foreſaid Court of the ſaid Keepers of *Darby*, to the uſe of R. H. of N. in the County aforeſaid Gentleman, according to the forme and effect of the precept aforeſaid: R. K. late of *W.* aforeſaid, in the County aforeſaid Huſbandman, the day of *September* in the year of our Lord God, 1649 at VV. aforeſaid in the County aforeſaid, with force and armes, the ſaid Pot from the ſaid Bailiff, did take and reſcue, and thereby the ſaid Bailiff in the execution of the ſaid Office, did obſtruct and hinder with force and armes as aforeſaid, in contempt of the Keepers, *&c.* and to the evill example of other Malefactors, and againſt the peace.

*For a reſcous upon diſtrayning for Rent.*

*York*, ſſ.

THe Jurors, *&c.* do preſent, That whereas A. B. late of *C.* in the County of *York* aforeſaid Huſbandman, the tenth of *September*, in the yeare of our Lord God 1652. was ſeiſed in Fee of twenty Acres of Land with the Appurtenances at M. in the ſaid County of *York*, which I. H. then held of the ſaid A. B. for terme of his life, by certaine ſervices for yeerly Cuſtomes and ſervices, which being to him the ſaid A. B. then due and arreare, he cauſed R. B. his ſervant to take and diſtraine one Cow of the

the ſaid I.H. then being and depaſturing in the ſaid twenty Acres of Land, and the ſaid R.B. the ſaid Cow then and there taken and deſtrayned, in the name of a diſtreſſe according to the Law and Cuſtome of this Common wealth of *England* unto the Common pound at M. in the County aforeſaid, would then and there have driven, and there to have kept the ſame; Nevertheleſſe, one R. H. late of M. in the County aforeſaid Husbandman, and I.K. and L.M. *&c.* the ſaid tenth of *September*, in the year aforeſaid, at M. aforeſaid, in the County aforeſaid, with force and armes, that is to ſay with Staves, Daggers, Clubbs, and other weapons, aſwell invaſive as defenſive, did unite and riotouſly and unlawfully did aſſemble together, with intention to diſturb the peace of the Common-wealth, and ſo being united and aſſembled, in and upon the ſaid R. B. in the peace of God and of the Keepers of the Liberty, *&c.* being did make an aſſault, and him the ſaid R. B. then and there, with force and armes, and riotouſly did ſtrike, beat, and evill intreat; And the foreſaid Cow then and there, that is to ſay, in the ſaid twenty Acres of Land at *M.* aforeſaid ſo diſtrayned from the ſaid R. B. with force and armes riotouſly did reſcue and take away, and other harmes to the ſaid A.B. and R.B. then and there with force and armes, and riotouſly did do to the great damage of the ſaid A. B. and R. B. and contrary to the Statute, *&c.* and againſt the peace.

## *For a reſcue, for taking one from a Conſtable, who had attached him upon a Juſtice of Peace his Warrant.*

*Lanc.*

THe Iurors, *&c.* do preſent, That whereas *James Gee*, Conſtable of *A.* in the ſaid County of *Lanc.* by vertue of a certain Warrant to him directed under the ſeale of *R.E.* one of the Iuſtices of the peace of the ſaid County, did take and attach one *T. B.* to do and receive according to the tenor of the ſaid Warrant; Nevertheleſſe one *G. O.* late of *A.* in the ſaid County Husbandman; And *L. M N.P.* (and ſuch as are to be indicted) the tenth day of *Aprill*, in the year of our Lord God 1652. At *A.* aforeſaid with force and armes that is to ſay with Staves, Swords, Daggers, Clubs, and other weapons, aſwell invaſive as defenſive, did riotouſly unite, and unlawfully aſſemble and gather themſelves together to the great terror of the people, and with intent to diſturb the peace of the Common wealth, and ſo being united, aſſembled, & gathered together, then and there with force and armes and riotouſly in and upon the ſaid *I.G.* in the peace of God of the Keepers of the Liberty of *England* being did make an aſſault, and him the ſaid *T. B.* with force and armes, out of the cuſtody of the ſaid Conſtable riotouſly did take and reſcue, and the ſaid *Tho. B.* himſelfe out of the cuſtody of the ſaid Conſtable then and there did likewiſe reſcue, to the great damage of the ſaid Conſtable, and contrary to the forme of divers ſtatutes in that caſe made and provided, and againſt the peace, &c.

*For*

## *For reſcuing Cattell taken damage Feſant.*

*Lync. ſſ.*

THe Jurors, &c. do preſent, That A.B. the firſt of *Aprill* in the year of our Lord God, 1652. was poſſeſſed of, and in the manner of *H.* with the Appurtenances in the County of *L.* aforeſaid, the ſame A. the ſame day and year at *H.* aforeſaid, in the County aforeſaid, did finde certaine Cattell, that is to ſay ſix Oxen, foure Kine, in a certaine field containing by eſtimation twenty Acres of Paſture, parcell of the mannor of H. aforeſaid there doing damage, which ſaid Cattell ſo then and there doing damage aforeſaid I. R. and one S.T. the day and yeare aforeſaid, in the name of a diſtreſſe then and there did take, and unto S. in the County aforeſaid did drive, where according to the Law and Cuſtome of the Common wealth of *England* in a certaine common pound there would have impounded, Nevertheleſſe, one T.B. of G. in the County aforeſaid Hurbandman, and S. *L* of G aforeſaid in the County aforeſaid Labourer, with force and armes the day & year aforeſaid at S. aforeſaid in the Couty aforeſaid, in & upon the ſaid I.R. and S.T. did make an aſſault, and the ſaid Cattell, then and there, with force and armes fi om the ſaid I.R. and S.T. did take and reſcue contrary to the forme of the Statute, and againſt the peace.

## *For reſcuing of a Man taken by a Bayliffe upon a Cap.* ad reſpondend.

*Salop.*

THe Jurors, *&c.* do preſent; That whereas *K. L.* Eſquier, Sheriff of the County of *Salop*, by vertue

of a Writ of the Keepers of the liberty of *England* by authority of Parliament to him directed the ſecond day of *July*, in the yeare, &c. 1653 did make a certaine precept ſealed with his Seal to *I.P.* and *L.M.* his known and ſworn Bayliffs to take R.S. late of T. in the ſaid County Yeoman, and him ſafely to keep; So that the ſaid Sherriffe might have the body of the ſaid *R.* S. before the Juſtices of the ſaid Keepers at *Weſtminſter*, in one Month after *Michaelmas*, to anſwer unto *G.H.* of a Plea that he ſhould render unto him five pounds which he owed and unjuſtly detained from him as he ſaid And whereas the ſaid *I.P.* and *L.M.* with the ſaid precept at *W.* in the County aforeſaid, the tenth day of *Auguſt* in the ſame yeare, did go unto him the ſaid R.S. and him the ſaid R.S. by vertue of the ſaid precept did take and arreſt; Nevertheleſſe the ſaid R. S. and one T. R. late of T. in the ſaid County Yeoman, and G.H late of T. aforeſaid in the County aforeſaid Labourer, the ſaid tenth of *Auguſt*, in the yeare aforeſaid with force and armes, that is to ſay, with Swords and Daggers, Staves and Clubs, and other weapons and armes, aſwell invaſive as defenſive, did riotouſly unite and gather themſelves together, and unlawfully aſſemble to the great terror of the people, with intent to diſturbe the peace, and being ſo united, gathered together and aſſembled then and there, with force and armes, and riotouſly in and upon the ſaid Bayliffe did make an aſſault, and the ſaid R. S. and T. R. the foreſaid R.S. out of the cuſtody of the ſaid Bayliff, with force and armes, and riotuſly did take and reſcue, and ſuffered him to go at large. And the ſaid R.S. did likewiſe reſcue himſelfe out of the Cuſtody of the ſaid Bayliff, to the great damage, *&c.* and againſt the peace, *&c.*

*For*

## *For a Battery.*

*Staff. ſſ.*

THe Jurors, *&c.* do preſent, that A. B. late of C. in the County aforeſaid Yeoman, the firſt day of *May*, in the yeare of our Lord God 1652. at D. in the County of *&c.* aforeſaid with force and armes, in and upon E. F. in the peace of God, and *&c.* being, did make an aſſault, and affray, and him the ſaid E. F. then and there with force and armes did beat, wound, and evill intreat, ſo that he did deſpaire of his life, and other harmes to him did, to the great damage of the ſaid E. F. and againſt the peace. *&c.*

## *For a Battery and Mayme.*

*Northton. ſſ.*

THe Jurors, *&c.* do preſent, That A. B. late of C. in the County aforeſaid Yeoman, the twentieth day of *May*, in the yeare, *&c.* about foure of the Clock in the after noone of the ſame day, at C. aforeſaid in the County of *Northampton* aforeſaid in the high way, there of malice of the ſaid A. B. forethought for one T. I. in the peace of God and the Keepers of the liberty of *England*, &c. being, and upon the ſaid high way about his neceſſary buſineſſe labouring and going, did lay wait with intention, felonioufly the ſaid T. I. to Mayme, and then and there with force and armes, &c. in and upon the ſaid I. in the peace of God, &c. being did make an aſſault, and him the ſaid T. I. then and there with force and armes, &c. did ſtrike, beat, wound, and evill intreat. So that of his life he did deſpaire. And that the ſaid A. B. then and there, with a

Sword, which the ſaid A.B. in his right hand, then and there, had and held the foreſaid T. I. upon his left hand, felonioufly did ſtrike, and gave unto the ſaid T. I, then and there, upon the ſaid left hand of the ſaid T. one great wound, by which the ſinews and veines of two fingers, that is to ſay, of the leaſt finger, and the next finger unto the ſaid leaſt finger are ſo mortified, and reſtrained, that the ſaid T. I. the ſtrength and uſe of the ſaid fingers hath wholly loſt, and ſo the ſaid A. B. the ſaid T. I. felonioufly, and of his malice forethought did maym, in manner and forme aforeſaid, contrary to the forme of the Statute, in ſuch caſe provided, and againſt the peace, *&c.*

## *For Robbery in the high way.*

*Eſſex, ſſ.*

THe Jurors, *&c.* do preſent, That A. B. late of C. in the County aforeſaid Butcher, the firſt day of *April* in the year, *&c.* 1650. at I. in the ſaid County of *Eſſex* in the high way, therein and upon I. W. then and there, in the peace of God, &c being did make an aſſault, and him the ſaid I. W. then and there in great feare of his body, did put, and one Clok coloured Gray, of the value of 20s. & 20s. in mony numbred of the Goods & Chattells of the ſaid I. W. then and there found from the perſon of the ſaid I. W. then and there, with force and armes felonioufly did take and carry away againſt the peace, *&c.*

## *For falſe Impriſonment.*

*Hereff.*

THe Jurors, *&c.* do preſent, That A. B. late of C. in the County aforeſaid Yeoman, the tenth day of *Aprill* in the yeare of our Lord God, 1652. At L. in the ſaid County of *Hereford*, with force and armes, in and upon D.E. in the peace of God and, *&c.* being did make an aſſault and him the ſaid D. E. then and there, with force and armes, did take, impriſon, and evill intreat, and the ſaid D.E. ſo there in Priſon a long time, that is to ſay by the ſpace of ſeven dayes then next following, contrary to the Law and cuſtome of the Common wealth of *England*, did detaine and keep, and other harmes to him did, *&c.* to the great damage, &c. and againſt the peace, *&c.*

## *For falſe impriſonment of a Mans Servants.*

THe Jurors, &c. do preſent, That A.B. late of C. in the County of *H.* aforeſaid Gent. the tenth day of *June*, 1653. at L. in the County aforeſaid, with force and armes, that is to ſay, with Swords, Staves, and other weapons, aſwell invaſive as defenſive, &c. in and upon I.K. and L.M. Servants of N.O. did make an aſſault, and the ſaid I. K. and L. M. contrary to the Law of the Cuſtome of *England*, did impriſon, and by the ſpace of foure dayes then next following in priſon did keep and detaine. And that the ſaid N.O. the ſervice of his ſervants aforeſaid for a great time, that is to ſay, for the ſpace of one Month then next following, did loſe and other harmes to him did, to his great damage and againſt the peace, *&c.*

## *For Purſe picking.*

*Midd.*

THe Jurors, *&c.* do preſent, That A. B. late of C. in the County aforeſaid Labourer, the tenth day of *Auguſt*, in the year of our Lord God 1653. At H in the County aforeſaid with force and armes in and upon one E. F. did make an aſſault, and twenty ſhillings in money numbred in the Purſe of the ſaid E. F. then being found, and the Purſe of the ſaid E. F. then and there from the perſon of the ſaid E F. ſecretly, and without the knowledge of the ſaid E. F. felonioufly did take and carry away againſt the peace, *&c.*

## *For ſtealing Corne, and another for receaving it.*

*Devon. ſſ*

THe Jurors, *&c.* do preſent, That A. B. late of C. in the County aforeſaid Labourer, the firſt of *January*. in the yeare of our Lord God 1652 At C. aforeſaid in the County aforeſaid, with force and armes, two Meaſures called Strikes of Wheat, to the value of 5. s. of the Goods and Chattells of R. H. Gent. then and there found and being felonioufly did ſteale, take, and carry away againſt the peace, *&c.* And that I. G. late of C. aforeſaid in the County aforeſaid Husbandman, knowing the ſaid A. B. the felony aforeſaid, in manner and forme aforeſaid to have committed, after the ſaid felony was committed as aforeſaid, that is to ſay, the ſecond day of *January*, in the year aforeſaid, at C. aforeſaid in the County aforeſaid, the ſaid A. B. did receave, ſuccour, maintaine, and ayde, and the aforeſaid Goods, and Chattells did receave againſt the peace, *&c.*

For

## *For ſtealing a Cloak.*

*Cornwall, ſſ.*

THe Jurors, *&c.* do preſent, that A. B. late of C. in the ſaid County of *Cornwall* aforeſaid Labourer, the fourth day of G. in the year of our Lord God 1650. At C. aforeſaid in the County aforeſaid, One Cloak coloured black, to the value of twenty ſhillings of the Goods and Chattells of H. L. then and there found and being, feloniouſly did ſteale, take, and carry away againſt the peace, and that R. C. late of C. aforeſaid in the County aforeſaid before the felony aforeſaid, in manner and forme aforeſaid done, ſuch a day and yeare, at C. aforeſaid, feloniouſly did abet and counſell the ſaid A. B. the felony aforeſaid to commit againſt the peace, *&c.*

## *For ſtealing of a Sheep with acceſſary after.*

*Salop. ß.*

THe Jurors, *&c.* do preſent that A. B. late of C. in the County of *Salop* aforeſaid Labourer, the tenth day of *July*, in the yeare of our Lord God, 1650. at C. aforeſaid in the County aforeſaid; one Wether Sheep, price ten ſhillings of the Goods and Chattells of R. S. then and there found and being feloniouſly did ſteale and take, and from thence did lead and drive away againſt the peace. And that G. M. late of M. in the County aforeſaid Husbandman, knowing the ſaid A. B. the ſaid felony in manner and forme aforeſaid, to have committed, after the ſaid felony, ſo as aforeſaid committed, the ſaid tenth day of *July*, in the yeare aforeſaid at C. aforeſaid feloniouſly did receive, *&c* againſt the peace, *&c.*

*For breaking Priſon by a Felon.*

*Lanc.*

THe Jurors, *&c.* do preſent, That whereas A.B. was arreſted and taken at W. in the ſaid County of *Lanc.* for ſuſpition of Felony by him in the County of *Lanc.* aforeſaid committed, that is to ſay, for the ſtealing of one Gelding coloured Bay, of the price of five pound, of the Goods and Chattells of a perſon unknown, and for the ſame Felony at *Lanc.* aforeſaid, in the County aforeſaid, was Committed to C.D. Eſquier Sherriffe of the County aforeſaid, ſafely and ſecurely by the ſaid Sherriffe in the Priſon of the Keepers of the Liberty of *England*, &c. in the Caſtle of *Lanc.* to be kept, untill by the Law and Cuſtome of *England*, he ſhould in due manner be delivered. That the ſaid A. B. late of C. in the County aforeſaid Labourer, the ſixt day of *July*, in the year of our Lord God, 1651. At *Lanc.* aforeſaid in the County aforeſaid, in the Priſon of the ſaid Keepers of the Liberty, &c. in the Cuſtody of the ſaid Sherriffe then and there, being, the Priſon aforeſaid then and there, with force and armes, and felonioufly did break, and out of the ſaid Priſon, and the Cuſtody of the ſaid Sheriffe, then and there felonioufly did go at large, whither he would againſt the will of the ſaid Sherriffe, and againſt the peace, *&c.*

*For giving in evidence a falſe or forged deed.*

*Midd.*

THe Jurors, *&c.* do preſent, That whereas in the Statute in Parliament of *Elizabeth* late Queen of *England* holden at *Weſtminſter* the twelfth day of *January* in the fift yeare of her Raign publiſhed; among other things, it is ordained and enacted,

That

That if any perſon or perſons, after the firſt day of Iune then next following, ſhould plead, publiſh, or give in evidence, or otherwiſe, for the proofe of any title, any falſe or forged deed, chartet, writing, will or court-roll, falſly made and forged as true, knowing the ſame to be falſe and forged, with intent to have or clayme thereby any eſtate of inheritance, free-hold, or leaſe for years, in, or to any mannors, lands, tenements, and hereditaments; or with intention to alter, or make void, moleſt, trouble, or charge the ſtate of inheritance, freehold, or leaſe or yeares, of any perſon, in any mannors, lands, tenements, rents, or hereditaments. That then every peſon and perſons ſo offending, and thereof attainted and convicted, according to the lawes of this Kingdome, either by an action of forgery of falſe deeds, or by an action of the caſe, at the ſuit of the party grieved, his heires, executors, or aſſignes ſhould pay to the party grieved double Coſts and damages, and ſhould be ſet upon the pillory in ſome open market-town, or in ſome other publique place, and ſhould have both his or their eares cut off, and his or their noſe ſlit, and ſeared with an hot iron, to remaine as a perpetuall marke and ſigne of his falſhood, and ſhall forfeit to the ſaid late Queene, her heires and ſucceſſors, the iſſues and profits of all his lands and tenements during his life: As in the ſaid ſtatute more at large is conteined. Nevertheleſſe one W. B. late of C. in the County of M. aforeſaid, knowing a certaine deed concerning a meſſuage, and one hundred acres of land of T. V. in W. in the County aforeſpreſaid to be falſe and forged, did at W. aforeſaid, in the County aforeſaid, publiſh the ſame as a true deed, with intent to have the ſtate of inheritance

ritance to him and his heyres in the ſame meſſuage and lands with the appurtenances. And to annull the ſtate of inheritance of the ſaid T.V. in the tenements aforeſaid with the appurtenances. By means whereof the ſaid T. in the poſſeſſion of the ſaid tenements with the ap, urtenances, is diſturbed and moleſted, in contempt of the Keepers of the liberty of *England*, &c. to the great damage of the ſaid T. Contrary to the forme of the ſtatute aforeſaid, and againſt the peace, &c.

## *For bewitching a horſe.*

*Midd. ß.*

THe Jurors &c. doe preſent, That *Ione B.* late of *C.* in the ſaid County of Midd. Spinſter, the 20th. day of Iune, in the yeare of our Lord God 1652. at E. in the ſaid County, did uſe, exerciſe, and practiſe moſt wicked arts, called inchantments & ſorceries, malitiouſly and deviliſhly, in, upon, and againſt a certaine horſe, coloured bay, of the price of five pounds, of the goods and chattels of one I.S. of T. in the County of M aforeſaid, Yeoman. By meanes whereof the ſaid horſe of the ſaid I. S. the twentieth day of Iune aforeſaid, at E. aforeſaid, in the County aforeſaid, was altogether impaired and waſted away. Contrary to the forme of the ſtatute in that caſe made and provided, and againſt the peace, &c.

*For*

## *For getting money by colour of Proceſs.*

*Oxon. ß.*

THe Jurors &c. doe preſent, That I. B. late of D. in the ſaid County of Oxford, Yeoman, at D. aforeſaid, in the County aforeſaid, by colour and pretence of a certaine proceſſe under the ſeale of the late King of the Dutchy of Lanc. to one I. Legg directed, did make compoſition with the ſaid I. Legg, and then and there by colour and pretence of the ſaid proceſs, did of the ſaid I. Legg the ſumme of ten pounds in money numbred for himſelfe, without any order or conſent of any Court or Courts of the ſaid King at Weſtminſter, unlawfully obtaine and take, contrary to the forme of the ſtatute in that caſe made and provided, the ſaid I. B. not being a Clerk of any Court, &c.

## *For getting goods by counterfeit Letters.*

*Berks. ſſ.*

THe Juro"s &c. doe preſent, That A. B. late of C. in the ſaid County of Berks, Scrivener, the the firſt day of May, in the yeare of our Lord God 1653. at M. in the County aforeſaid, imagining & deviſing with himſelfe how he might unlawfully obtaine and get into his hands the goods, chattels, and jewels of other perſons for the maintainance of his unthrifty kind of living, then and there falſely and deceitfully did write & counterfeit a letter in the name of one R. W. to one F. B. being the ſpecial frend of the ſaid R. W. for the getting of 3. yards of woollen cloth, to the value of 40 s. of the foreſaid F. B. And the foreſaid A. B. afterwards, that is to ſay, the 3. day of May aforeſaid, in the year aforeſaid, at M. afore-

aforesaid in the County aforesaid, by colour and meanes of the said counterfeit letter made in the name of the said R. W. as aforesaid, three yards of woollen cloath to the value of forty shillings of the goods and chattels of the said F. B. from the said F.B. falsely and deceitfully did obtaine and get in to the hands and possession of the said A. B. contrary to the forme of the statute, &c. And against the peace.

*For getting money by a false token—as the the former to this marke, and then say,*

The said A.B did then & there falsely & fraudulently imagine & invent a false token in the name of one R.W. to one F.B. being his special friend and familiar, for the getting of twenty shillings in money numbred from the said F.B. then and there by colour of the said false token, made in the name of the said R.W. the said 20 s. falsely and deceitfully did obtain.—ut supra.

*For a Vagrant going under the name of a Souldier.*

*Sussex ss.*

THe Jurors &c. doe present, That A.B. late of C. in the County of &c. aforesaid, Labourer, being an idle person, and intending craftily, falsely, and feloniously to deceive and defraud the Keepers of the Liberty of *England*, &c. and the people of this Common-wealth, the tenth day of *May*, in the yeare &c. 1653. and at divers other dayes and times, as well before, as after, at Gr. and at divers other

other places within the ſaid County, did as a ſouldier wander, and the ſaid tenth day of *May*, in the yeare aforeſaid, at G. aforeſaid, did felonioufly counterfeit and invent a certaine Teſtimoniall in the name of one W.H. falſly by the ſaid teſtimoniall ſuppoſing that the ſaid A. B. landed at Dover in the County of Kent, the 25th day of April, and was allowed by the ſaid W. H. to travell to the place where he was preſſed, or where he was borne, whereas in truth the ſaid A.B. never landed at Dover aforeſaid. And whereas in truth the ſaid A. B. was never allowed by the ſaid W.H. to travel to the place where he was preſſed, or where he was borne, contrary to the forme of the ſtatute &c. and againſt the peace, &c.

## *For interrupting a Miniſter ſaying Common Prayer.*

*Ceſtr. ſſ.*

THe Jurors &c. doe preſent, That A B. late of C. in the County of Wiltſ. Yeoman, at C. aforeſaid, in the County aforeſaid, in the pariſh Church of C. aforeſaid, of his own power and authority, wilfully, and of ſet purpoſe, by theſe open and contemptuous words following by him the ſaid A. B. then and there in the Church aforeſaid ſpoken and pronounced, *viz. Came downe thou prating knave, come downe*; malitiouſly, contemptuouſly, and unlawfully did diſquiet, abuſe, moleſt, diſturb, hinder, and interrupt one T. C. Clark, Vicar of the pariſh Church of C. aforeſaid (being then licenſed, allowed, and authorized by W. Biſhop of Cheſter to preach) in his publique ſermon and preaching, which the ſaid T. C, then and there in the Church aforeſaid,

aforesaid made Declaration preached and pronounced, and other harmes to the said T. C. did, contrary to the forme of the Statute, *&c.* and against the peace, *&c.*

*For interrupting a Minister saying Common-Prayer upon the Statute*, 1. Eliz.

*Chester ss.*

THe Jurors, *&c.* do present that A. B. late of C. in the said County of C. Husbandman the fourth day of *July* in the year, *&c.* being the Lords day, at C. aforesaid in the County aforesaid, R. B. then being Vicar and Minister of the Church, of C. aforesaid, then and there in the same Church publiquely saying the Common prayers, according to the Book of Common prayer, by Act of Parliament, of *Elizabeth* late Queen of *England*, in the first year of her Raigne established, malitiously, and unlawfully did interrupt and disturbe, and other harmes to him the said R. did, contrary to the forme of the Statute, &c. And against the peace, *&c.*

*For taking of a Sacke, but not feloniously.*

*Lanc.*

THe Jurors, &c. do present, That I. M. late of A. in the County of L. aforesaid Labourer, the day of in the yeare, &c. at *W.* in the said County of L. the mansion house of H. N. with force and armes did enter, and then and there with force and armes, one Sack to the value of six pence, of the Goods and Chattells of the said H. N. then and there found and being, unlawfully and against the will of the said H. N. did take & carry away, and

to

to his owne uſe did convert the ſame, to the great damage, &c. and againſt the peace, *&c.*

## *For being abſent from the Church on the Statute of* 1. Eliz. *and* 28.

*Salop.*

THe Jurors, *&c.* do preſent, That A. B. late of C. in the County of Salop Gent. who the tenth day of *July*, in the year, &c. 1650. was of the age of ſixteen years and upwards, did not repaire to his Pariſh Church of C. aforeſaid, nor to any Church, Chappell, or uſuall place of Common Prayer, and there ſtand during the time of Common Prayer, at any time within ſix Months next following the ſaid tenth day of *July*, in the ſaid year 1650. but hath forborne the ſame by the ſpace of the ſaid ſix Moneths contrary to the forme and Statute at *Weſtminſter*, in the County of *Middleſex*, in the firſt yeare of the Raigne of *Elizabeth*, late Queen of *England*, for the uniformity of Common Prayer made and provided, and contrary to the forme of the Statute of the ſaid Queen *Elizabeth*, in the three and twentieth year of her Raign; And in contempt, &c. and againſt the peace, &c.

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*For keeping Vagabonds, Whores, and Idle perſons, and evill rulements in his houſe.*

*Midd. ſſ.*

THe Jurors, &c. do preſent, That A.B. late of *C.* in the ſaid county of *Midd.* Vitler, at *C.* aforeſaid the firſt day of *May*, in the year, *&c.* 1653. and continually after untill the day of the taking of this inqueſt, hath received, harboured and ſupported divers vagabonds, Whores, and other idle and ſuſpected perſons of evill converſation, and doth continually keep evil rule and government in his houſe to the great anuſance and diſturbance of his Neighbours and contrary to the forme of divers Statutes, and againſt the peace, *&c.*

*For keeping unlawfull Games.*

*Midd.*

THe Jurors, *&c.* do preſent, that A.B. late of K. in the ſaid county of *Midd.* Vitler the third day of *Sept.* in the year, *&c.* 1652. and continually afterwards, untill the twentieth day of *October* in the year aforeſaid at K. aforeſaid in the county aforeſaid, a common houſe of carding, dicing, and table playing, and for the proper gaine and profit of the ſaid A.B. unlawfully hath held, kept, and maintained contrary to the Statute in that caſe made and provided; and that the ſaid A.B. the ſaid third day of *September*, in the year aforeſaid, and at divers other dayes afterwards at K. aforeſaid, in his houſe aforeſaid, the aforeſaid unlawfull Games of Carding, Dicing, and Table playing hath had, kept, exerciſed, uſed,

uſed, ſuffered, allowed and mayntained contrary to the forme of the Statute, &c. and againſt the peace, *&c.*

## *For keeping an unlicenſed Alehouſe.*

*Staff. ſſ.*

THe Jurors, *&c.* do preſent, That A. B. late of *Forbridge* in the county aforeſaid Vitler, the 20th. day of *July* in the year, &c. 1652. & at divers other times, aſwell before as after at T. aforeſaid did keep, and as yet doth keep a common Tipling houſe, without Licence, & aſwell the ſaid 20. day of *July*, in the ſaid yeare of our Lord 1652. aforeſaid, as at divers other dayes and times, hath received and entertained in his houſe divers ſeverall perſons, aſwell Men as Women of evill behaviour, fame, and converſation, and evill rule in his ſaid houſe from day to day did maintaine and keep, and yet doth maintaine and keep, to the evill example of the people of this Nation, and manifeſt breach of the peace, and contrary to the Statute, *&c.*

## *Againſt company-keepers with ſuch as call themſelves Ægyptians.*

*Salop. ſſ.*

THe Jurors doe preſent that A. B. late of C. in the County aforeſaid Labourer, and E. F. late of C. aforeſaid in the County aforeſaid Labourer, the tenth day of *February*, in the year of our Lord God, 1652. at W. in the ſaid County of *Salop* within the Common wealth of *England*, were in the company or Fellowſhip of T. C. and E. F. va-

gabonds commonly calling themſelves Egyptians and counterfeiting and changing themſelves by their Apparell, language and behaviour, like ſuch Vagabonds commonly calling themſelves Egyptians, and ſo felonioufly continued and remained in the ſame Company at *W.* aforeſaid in the County aforeſaid, and in divers other places in the ſaid County of, &c. by the ſpace of one month then next following the ſaid tenth day of *February* in the yeare 1652. aforeſaid, Contrary to the forme of the Statute in that caſe made and provided, and againſt the peace, &c.

## *Another for keeping an unlicenſed Alehouſe.*

*Eſſex.*

THe Jurors, *&c.* do preſent, That A. B. late of C. in the ſaid County of *Eſſex* Vitler, the firſt day of *June* in the yeare of our Lord God 1652. and continually afterwards, untill the day of the taking of this inqueſt—(or thus—continually for many dayes after, that is to ſay, untill the firſt of *July* in the yeare aforeſaid) obſtinatly, and of his owne authority without any admiſſion or allowance of the Juſtices of the peace in the ſaid County, hath taken upon him to keep a Common Tipling houſe, and there the ſaid firſt day of *June* and the ſaid other dayes afterwards, commonly and openly did ſel Ale and Beer to divers of the people of this Common wealth in contempt of, and contrary to the Statute in Parliament of *Ed. 6.* late King of *England* at *Weſtminſter* in the firſt yeare of his Raign, in that caſe made and provided, and againſt the peace, &c.

*For*

## *For keeping a Baudy house, &c.*

*Surr.*

THe Jurors, &c. do present, That A. B. late of C. in the County of S. aforesaid Vitler, such a day and year, &c. at T. hath held and kept in his dwelling house there a Common Bawdy house, and suffereth many persons suspected, and of ill behaviour and fame, to have carnall knowledge with VVhores, to the great greivance of all the Inhabitants there, and to the evill example of others there dwelling, and against the peace, *&c.*

## *For a common Barater.*

*Surr. ss.*

THe Jurors, *&c.* do present, That A. B. late of C. in the County of S. aforesaid Husbandman the tenth day *Jan.* in the year of our Lord God 165[illegible] at *C.* aforesaid in the county aforesaid was, and yet is a Common Baretor and disturber of the peace of the Common wealth, a daily and open common and turbulent raylor, fighter, a sowet of discord among his Neighbours, so that he hath moved, procured, and stirred up many contentions and quarrells, then and there, and elsewhere in the said County of S. among divers of the people of this Nation, to the great disturbance of the peace, and c ntrary to the forme of divers Ordinances, and Statutes of the Common wealth of *England* in such case provided and declared, and against the peace.

*For Inmates:*

THe Jurors, *&c.* do preſent, That A. B. late of C. in the County aforeſaid Tayler, being owner of a Cottage now in his occupation, the twentieth of *July*, in the year of our Lord God, 1652. at C. in the County aforeſaid did place one D. E. an Inmate in the Cottage aforeſaid, And the ſaid D. E. with the ſaid A. B in the Cottage aforeſaid, did there inhabit, from the ſaid twentieth day of *July*, in the yeare aforeſaid, by the ſpace of two Moneths then next following, and the ſaid A. B. did permit and voluntarily ſuffer the ſaid D. E. an Inmate as aforeſaid, with him the ſaid A. B. to dwell by the ſpace of two Moneths, contrary to the forme of the Statute, &c. and againſt the peace, *&c.*

*For uſing unlawfull Games.*

THe Jurors &c. doe preſent, That A. B. late of C. in the county of *Southampton* Vitler, the ſecond day of *June*, in the yeate of our Lord God, 165 2. and continually after the ſaid ſecond day of *June*, in the yeare aforeſaid, untill the twentieth day of the Month of *July* in the yeare aforeſaid, at C aforeſaid in the County aforeſaid, a common Bowling Alley for his owne proper gaine, and then and there to play with Bowls unlawfully did keep and maintaine, contrary to the forme of a Statute in Parliament, in the 33. yeare of *H* 8. in that caſe

caſe made and provided. And that I. S. late of C. aforeſaid, in the county aforeſaid, and three other perſons unknown, the ſaid ſecond day of *June*, in the yeare aforeſaid, the ſaid common Bowling Alley did frequent, and then and there with Bowles unlawfully at Bowls did play, contrary to the form of the Statute aforeſaid, and againſt the peace, &c.

## *For fighting in a Church-yard.*

*Montgomery.*

THe Jurors, &c. do preſent that G. F. late of H. in the Conty of M. aforeſaid Yeoman, the tenth day of *May*, in the yeare of our Lord God, 1652. at H. aforeſaid in the county aforeſaid, in the Churchyard of the Pariſh Church of H. aforeſaid, malitiouſly did draw his Dagger upon one I. S. of H. aforeſaid, in the county aforeſaid, with intent to ſtrike the ſaid I. S. with the ſaid Dagger, againſt the peace, and contrary to the forme of a Statute made in Parliament, in the ſixt year of *Ed.* 6. late King of *England* in that caſe made and provided.

## *For negligent keeping of fire, whereby the Neighbours Goods burned.*

*Denbigh.*

THe Jurors, &c do preſent, that whereas by the Law and Cuſtome of the Kingdome of *England*, hitherto uſed and approved, every Man and Woman of the ſaid Kingdome is bound to keep their fire ſafe and ſecure, leſt by default of the due and ſafe keeping of ſuch fire any dammage ſhould happen to any of his or her Neighbours.

Nevertheleſſe one A. B. of C. in the County of D. aforeſaid, the firſt day of *May*, in the yeare of our Lord God, 1652. was ſeiſed of a Meſſuage in the aforeſaid Towne of C. in his demeſne, as of fee, in which Meſſuage the ſaid A. then and there dwelling, which A. then and there did ſo negligently and careleſſely keep his fire; That for want of due keeping of his fire, the Goods and Chattells of T. F. that is to ſay ten loads of Timber, of the ſaid T. F. at C. aforeſaid, in the County aforeſaid, to the value of ten pounds in the houſe of the ſaid T. F. then being, and the houſe and Stable of the ſaid T. F. to the ſaid Meſſuage adjoyning, were then and there burned, to the great damage of the ſaid T. F. and contrary to the Cuſtome, &c.

## *For ſtopping of a Common High way.*

*Derby ß.*

THe Jurors, *&c.* do preſent, That whereas within the Village of S. in the County of D. in a certaine place called *Alderbury*, there is, and by all the time whereof the memory of man is not to the contrary, there hath been a common Kings high way leading from the Town of H. in the County aforeſaid, unto the Town and Market of O. in the ſaid County, from the ſaid Town of H. unto the ſaid Town of O. by all the ſaid time aſwell to ride and go, and with their Carts and Carriages to paſſe, as alſo their cattell to drive and from thence back again unto the ſaid Town at all times of the yeare at their will and pleaſure; Nevertheleſſe one B. H. late of *S.* aforeſaid in the County aforeſaid Eſquier for his own private gaine and

Commodity

Commodity deviſing and intending to ſtop up the ſaid way the day of in the year, *&c.* 1652. and at divers times aſwell before as after with force and armes, *&c.* at S. aforeſaid in the County aforeſaid, a certaine Ditch over thwart the ſaid Common high way, on that part of the ſaid high way, which extendeth between the Pariſhes of O. and A. and the ſame with hedges and gates hath ſhut up and incloſed, and keepeth the ſame ſo incloſed. So that the people cannot have and enjoy the ſaid way, either to ride or go, or with their Carts and Carriages, or to drive their cattell in ſuch manner as they were wont to have and enjoy the ſame, to the great diſturbance of the people, and againſt the peace, *&c.*

## *For incloſing an high way.*

*Eſſex.*

THe Jurors, &c. do preſent that A. B. late of C. in the County of E. Gent. the day of in the yeare, &c. part of the Common High way, leading from W. unto S. in the County aforeſaid, that is to ſay, one Rood of Land, parcell of the ſaid high way, with Hedge, did incloſe and ſhut up, and the ſame way ſo incloſed from the aforeſaid day of untill the day of the taking of this Inqueſt into paſture did convert; and doth keep, to the great damage, and annoyance of all the people of this Nation, dwelling neer the ſame, whoſe right it is to go that way, and contrary to divers Statutes, *&c.* and againſt the peace, *&c.*

## *For ſtopping up an uſuall Way.*

*Lanc.*

THe Jurors, *&c.* do preſent, that whereas R.N. is ſeiſed in his demeſne, as of Fee, of and in two Acres of Lands, with the Appurtenances in M. in the County of L. And that he and all thoſe whoſe Eſtate the ſaid R. N. of and in the Tenements aforeſaid, with the Appurtenancer, have had and ought to have, by all the time whereof the memory of Man is not to the contrary, a certain way in M. aforeſaid, aſwell on Horſeback as on foot, and with all and all manner of Carts and Carriages, from the Tenements aforeſaid, through and over a certaine parcell of Land in M. aforeſaid in the county aforeſaid, now in the occupation of R. C. unto the Kings high way in M. aforeſaid, called &c. And to drive and redrive all and all manner of Cattel from the Tenements aforeſaid, through and over the ſaid parcell of Land, in the occupation of the ſaid R. C. unto the aforeſaid Kings High way, and from thence, to the aforeſaid Tenements, with the Appurtenances at all times at his and their pleaſure.

Nevertheleſſe one R. C. late of M. in the County of *Lanc.* Husbandman, And *Iane C.* late of M. aforeſaid, in the County aforeſaid Spinſter, Wife of the ſaid R. C. the day of in the year &c. at M. aforeſaid, in the County aforeſaid, by the direction and command of R.H of S. in the ſaid County Eſquier, with force and Armes, in and upon

upon the ſaid R. N. and T. H. the Servant of the ſaid R. N. in the peace of God, &c. then being, and in and through the ſaid way about their neceſſary buſineſſe labouring and going, did make an aſſault, and a certaine gate at the entrance into the ſaid parcell of Land in the poſſeſſion of the ſaid R. C. overthwart the way aforeſaid, did make, erect, and keep; By means whereof the ſaid way is wholly ſtopped up. So that he the aforeſaid R N. cannot have nor make uſe of the ſaid way in manner aforeſaid, nor with his Carts and Carriages, nor drive and redrive his cattell, to the great hurt of the Freehold of the ſaid R. N. and to the great damage of the ſaid R. N. and againſt the peace, *&c.*

*For turning of a Water courſe.*

THe Jurors, &c. do preſent, that T. R. late of S. in the county of M. Yeoman, the day of &c. and at divers other dayes and times, aſwell before as after; At S. aforeſaid in the county aforeſaid, a certaine Water courſe did ſtoppe and turne, by meanes whereof the ſaid Water courſe did flow upon the ſoile, and Free-hold of T. F. and G. F. to the great damage of them the ſaid T. F. and G. F. contrary to the forme of the Statute, &c. and againſt the peace, *&c.*

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## *For a Bridge in decay.*

*Kent. ff.*

THe Jurors &c. do preſent, that a publicke and common Bridge, being in the Kings high way, upon the River of M within the Parith of A. in the County of *Kent*, commonly called A. Bridge, is, and for many years now laſt paſt hath been very ruinous, and in great decay, for want of reparation, ſo that the people of this Nation cannot nor dare not without danger of their lives, paſſe over the ſaid Bridge, either on foot or on Horſeback, or with Carts or Cariages; to the great and common hurt of the Neighbours and others of the ſaid Country, whom it concerneth, by reaſon of their buſineſſe to go and come that way; And they further ſay; That it is altogether unknown, what Perſon or Perſons, what Lands or Tenements, what Bodies corporate or politique, the ſaid Bridg, or any part thereof, of right, or by ancient Cuſtom ought to repaire or amend the ſame, *&c.*

## *For not repayring a High way, on the Statute of 2. & 3. P. & M. & 5. Eliz.*

*Nott: ff.*

THe Jurors do preſent, That part of the Kings high way at E. in the County of *Nott.* in quantity about twenty yards, lying and being over againſt certaine Lands and Tenements of I. C. is very ruinous for want of reparation of the Cauſey there, to the great and common hurt of the people of this Nation, and that the ſaid I. C. ought to make and repaire the ſaid Cauſey upon his

his owne proper coſts and charges, according to the forme of the Statute, &c.

## *For the mending of a Way.*

*Leiceſter.*

THe Jurors, &c. do preſent, That the Kings high way within the Town of P. in the County of L. between the Market Townes of H. and R. in the County aforeſaid, contayning in length about one hundred Roods and more, is very foule and mirie, for want of reparation, ſo that the people whom it concerneth to go and come that way cannot paſſe that way without great danger; And that the Inhabitants of the Towne of P. ought of right, and by ancient Cuſtome to repayre the ſame, and have accuſtomed ſo to do.

## *For not comming to work at High wayes.*

*Buck.*

THe Jurors, &c. do preſent, That whereas on Tueſday in the *Eaſter* week now laſt paſt, that is to ſay, the day of in the year, &c. A. B. being then Conſtable of the Town of C. in the County of B. aforeſaid, having called unto him many of the Pariſhioners of the ſaid Pariſh of *C.* then and there did chooſe I. &c. and R. N. two honeſt men of the ſaid Pariſh to be Surveyors for one whole year then next following, for repayring and amending of the Kings high Wayes, within the ſaid Pariſh of *C.* leading from Market Towne to Market Town, and did alſo then name and appoint ſix dayes, *viz.* the 1, 2, 3, 4, 5, and 6. dayes of the Moneth of *May* then next comming for the amendment

amendment of the ſaid wayes and namely for the amendment of that way which is between ſtony furlong, and foule Acre: And of thoſe ſix dayes, ſo by them as aforeſaid named and appointed, they did afterwards, that is to ſay, upon the Lords day the ſaid *Eaſter* week next following did give open and publique notice in the ſaid Pariſh Church of *C.* in the ſaid county of B. Neverthelesſe T. W. being then a Pariſhioner of the ſaid Pariſh of *C.* &c. in the county aforeſaid, and having, and occupying a Plough Land of arable Land, did not at any of the ſaid 1, 2, 3, 4, 5. or 6 dayes of the ſaid Moneth of *May* aforeſaid, at all finde or ſend a wain or cart furniſhed with Horles, Oxen, or other Cattell, and neceſſary inſtruments, according to the manner of the Country there, nor any able men towards the repayring and amending of the ſaid Wayes, or any of them, or any part or parcell thereof, but from the ſame, then and there, did willfully make default, contrary to the form of divers Statutes, *&c.*

## *Another for ſtopping a uſuall way.*

*Dorſet. ſſ.*

THe Jurors, &c. do preſent, That M. B. late of A. in County of D. Gent. the day of in the yeare at C in the ſaid County of D a certaine uſuall way, leading from the manſion houſe of I. G. Gent. unto the Kings high Way, lying and being between M. B. and I. G. unjuſtly and unlawfully did ſtop up, and would not ſuffer the ſaid I. G. and his Servants to have, uſe, and enjoy the ſaid uſuall way as they ought, and as from the time, the memory whereof is not to the contrary

contrary, they have uſed to doe, but hindered, and with force and armes ſtill doth hinder them, as aforeſaid, to the great damage of the ſaid I.G. and againſt the peace, &c.

## *For taking away of a Mayden out of another mans Cuſtody.*

THe Jurors, &c. do preſent, That whereas by a Statute in Parliament of King P. and Q. M. in the fourth and fifth year of their Raignes, among other things, it is ordained: That if any perſon or perſons, being above the age of 14. years after the firſt day of *Aprill*, in the years aforeſaid, ſhall unlawfully take or lead away, or cauſe to be taken or led away any Mayden or young Woman unmaried, within the age of ſixteen years, being from, or out of the poſſeſſion, and againſt the will of the Father or Mother of ſuch Mayden or young Woman, or of, or out of the poſſeſſion, and againſt the will of ſuch perſon or perſons, as then ſhall happen to have by any lawfull wayes or means the ordering, cuſtody, education and government of any ſuch Mayden or young Woman, That then every ſuch perſon or perſons ſo offending, being by order and due courſe thereof attaynted or convicted (other then ſuch perſon or perſons of whom ſuch perſon taken away did hold any Lands or Tenements by Knights ſervice) ſhould have and ſuffer Impriſonment of their Bodies, by the ſpace of two whole years, without bayle or mainpriſe, or otherwiſe ſhould pay ſuch fine for his or their offence as ſhould be aſſeſſed by the Counſell of the Kings Highneſſe, his Heirs or ſucceſſors in the Starre Chamber at *WESMINSTER*, as in the ſaid Statute is more at large contained;

Neverthe-

Nevertheleſſe one R. S. late of G. in the county of D. Gent. the day of in the yeare, &c. the ſaid R.S. being then above the age of fourteen years, not weighing the ſaid Statute, nor fearing the penalty in the ſame Statute contained, At L. in the ſaid county of D. one I.B. one of the Daughters of L.B. declared within the age of ſixteene yeares, that is to ſay of the age of fourteen years, to which I the ſaid L.B. by his laſt Will and Teſtament in writing, did give, and bequeath for the benefit and mariage of the ſaid I. one hundred Marks of lawfull money of *England*, and the Government and marriage of which I. B. by the aforeſaid Teſtament and laſt Will of the ſaid L. B. to one H H. was lawfully committed, the ſaid *C. S.* with force and armes, the day, place, and yeare aforeſaid, being found from the poſſeſſions of the ſaid H H. againſt the will of the ſaid H.H. unlawfully did take and carry away, contrary to the form of the Statute, and againſt the peace, &c.

## *For truting Hares in the Snow.*

THe Jurors, &c. do preſent, That A. B. late of *C.* in the county of *S.* Husbandman, the day of in the yeare, &c. at *C.* aforeſaid, in the county aforeſaid, the Snow being, and lying then and there upon the ground, one Hare in the Snow, with one Dogg called a &c. did finde, trace, and courſe, deſtroy and kill, contrary to the forme of the Statute, &c.

*For*

## *For Hawking in Corne upon the Statute of* 23. Eliz.

THe Jurors, *&c.* do preſent, That A.B. late of C. in the county of L. aforeſaid Gent. the day of in the yeare, *&c.* at C. aforeſaid in the County of L. aforeſaid, the Cloſe of G. H. with force and armes did break and enter, and then and there in the ground of the ſaid G.H. that is to ſay, into three Acres of Land, in which the Barly of the ſaid G. H. to the value of forty ſhillings, was growing at ſuch time, as the ſaid Barly was Eared, did Hauk, and with his Doggs commonly called Spaniells, did hunt, contrary to the forme of the Statute, *&c.* and againſt the peace, &c.

## *For getting of Quick-wood.*

*Berks.*

THe Jurors, &c. do preſent, That A.B. late of C. in the County of B. Husbandman the day of in the yeare, *&c.* at C. aforeſaid in the County aforeſaid, with force and armes, the Cloſe of T.F. did break and enter, and then and there two burdens of young quick-wood, to the value of two ſhillings, did root up, take, and carry away, and other harmes to the ſaid T. F. then and there did, to the great damage of the ſaid T. and againſt the peace, *&c.*

*For*

## *For chasing Sheep with Doggs.*

THe Jurors, &c. do present, That W. F. of D. in the County of L. Husbandman, & O. F. late of D. aforesaid in the county aforesaid Labourer, the day of in the yeare, &c. At D. aforesaid in the County aforesaid with force and armes one Dogge called a Greyhound, and another Dogge called a Curre, who used to bite sheep, did keep, and then and there the foresaid Doggs to chase and bite the sheep of I. T. there did incourage, that the said Doggs by the said incouragement then and there foure sheep of the said I. T. of the price of forty shillings, did chase, bite and kill, to the great damage of the said I. T. and against the peace, &c.

## *For ingrossing Corne, upon the Statute of* 5. Ed. 6. *and renued* 13. Eliz.

*THe Jurors, &c. do present, That* A. B. *late of* C. *in the County of* S. *Yeoman, the day of in the yeare, &c. At* C. *aforesaid, in the County aforesaid, ten Quarters of Barley, to the value of ten pound of* G. T. *did buy and ingrosse, and in his hands did keep, with intent to sell the same againe, contrary to the forme of the Statute in that case made and provided, &c.*

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The

## *For regrating Fish and Butter, on the Statute of* 5. Ed. 6.

*Dorset. ss.*

THe Jurors, &c. do present, That A. B. late of C. in the County of *Dorset* Yeoman the day of in the yeare, &c. At B. in the said County of D. in a certaine Market, then there holden for forty shillings, did buy, regrate, obtaine, and procure, and into his possession and hands get ten couple of Lings and three Ferkins of Salt Butter of one I. F. who the said ten couple of Lings, and the said three Firkins of Butter at the same Market, and there brought the same to sell, and that immediatly afterwards, that is to say, the said day and year, the said A.B. in the full Market then and there at B. aforesaid, in the County aforesaid holden all the couples of Ling, and the said Firkins of Butter to one F. R for threescore shillings of lawfull money of *England*, unlawfully did sell to the great damage of the Common wealth, and contrary to the forme of divers Statutes in that case made and provided, *&c.*

## *For trespasse in Corne.*

*Hereff. ss.*

THe Jurors, *&c.* do present, That A.B. late of C. in the County of H. Yeoman the day of in the year, &c. the Close of one I. S. at L. in the County aforesaid, commonly called the *Barton* Close, with force and armes the Grasse, and the blade of Wheat of the said I. S. then and there

growing to the value of twenty ſhillings, with certaine Oxen and other cattell of the ſaid A. B. then and there did depaſture, tread downe, and conſume, and the Ground and Soile of the ſaid I. S. then and there, with a Plow did turne up, whereby the ſaid I. S. all the profit and Commodity of his ſaid Ground, did for a long time after looſe, and other hurts to the ſaid I. S. did, to the great damage of the ſaid I. S. *&c.*

## *For taking Doves.*

THe Jurors, &c. do preſent, That A B. late of C. in the County of N. aforeſaid Yeoman, the day of in the year &c. at L. in the County aforeſaid twenty Doves of the Dove houſe of D. E. price ten ſhillings, with Nets and other Engines, did take and carry away, by meanes whereof the ſaid D. E. the flight of his Doves, did utterly looſe, and other harmes to him did, to the great damage of the ſaid D. E. and againſt the Peace *&c.*

## *For ſelling Trees and Under-wood.*

THe Jurors, &c. do preſent, That A. B. late of C. in the County of M. Yeoman, the day of in the year, *&c.* with force and armes, that is to ſay with Swords, Staves and Knives, the Cloſe of R. S. at W. did break and enter, and the Graſſe there growing, to the value of twenty ſhillings, &c. then and there growing, with certaine cattell, that is to ſay, with horſes, oxen, kine, hoggs and other beaſts, did depaſture, tread downe and conſume. And the Trees of the ſaid R. S. that is to

ſay

ſay ten Okes, to the value of thirtie ſhillings, and Under-woods, that is to ſay ten Waine Loads of Under-woods to the value of twenty ſhillings then and there growing, did fell, take, and carry away, and other hurt to him the ſaid R. S. did, to the great damage of the ſaid R. S. and againſt the peace &c.

*For breaking the Cloſe, and taking away Cattell, ſpoiling the Graſſe, and the continuance of the treſpaſſe.*

*Rutland.*

THe Jurors &c. doe preſent, That A. B. late of C. in the County of R. Yeoman, the day of &c. in the yeare, &c. with force and armes, the Cloſe of S. P. at C. aforeſaid in the county aforeſaid did break, and eight ſheep of the ſaid S. P. price forty ſhillings, then and there found, did take and drive away, and the Graſſe of the ſaid S. P. to the value of twenty ſhillings then and there growing, with certaine cattell, that is to ſay, with Horſes, Oxen, and other cattell, did eat, tread down and conſume, and the treſpaſſe aforeſaid, as to the eating, treading downe and ſpoiling of the Graſſe aforeſaid, from the ſaid day of aforeſaid, in the yeare aforeſaid, untill the day of the taking of this inqueſt, at divers dayes and times, did continue, and other harmes to him did, to the great damage of the ſaid S. P. and againſt the peace, &c.

## *Againſt a Conſtable for the eſcape of a Felon committed unto him.*

THe Jurors &c. do preſent, That whereas D. K. late of L. in the County of L. aforeſaid Labourer, at L. aforeſaid, in the County aforeſaid Labourer, was taken and arreſted, upon ſuſpition of Felony, that is to ſay for the ſtealing of five pounds in money numbred, of the Goods and Chattells of G. V. by the ſaid D. in the County aforeſaid committed, and for the ſame Felony was committed by A.B. Eſquier, one of the Juſtices for the conſervation of the peace of the County aforeſaid aſſigned unto R.B. late of W. in the County aforeſaid Yeoman Conſtable there, by him the ſaid Conſtable, to be ſafely and ſurely kept, and brought unto the Gaole and Priſon of the Keepers of the Liberties of England, &c. at L. and him the ſaid D. there to deliver to the Keeper of the Gaole and Priſon aforeſaid in the ſame to be ſafely and ſecurely kept by the Keeper of the ſaid Goale and Priſon aforeſaid, untill according to the Law & cuſtom of the Common wealth of England, in due forme, he ſhould from thence be delivered, that the ſaid R.B. the Conſtable aforeſaid, and R.W. late of &c. the day of in the year, &c. about ten of the clock in the forenoone of the ſame day, at N. in the ſaid County of L. the ſaid D. being in Priſon of the Keepers, &c. in the cuſtody of the ſaid R.B. and R.W. for the Felony aforeſaid, then and there being out of the Priſon aforeſaid, and out of the cuſtody of the ſaid R.B. and R.W. felonioufly and willfully did ſuffer to eſcape, and to go at large whither he would, againſt the peace, &c.

## *For Foreſtalling.*

*Lanc.*

THe Jurors &c. do preſent, That whereas A. B. was poſſeſſed of two Kine coloured black, of the price of foure pound, as of his proper Goods; That W. R. late of S. in the County aforeſaid Yeoman, the ſaid two Kine going to the Fayre, at P. to be ſold before they came into the ſaid Faire to be ſold, did buy and had of the ſaid A. B. out of the faire to the foreſtalling of the ſaid Faire, contrary to the forme of the Statute, &c.

## *For taking away aſtray.*

*Rutland.*

*THe Jurors, &c. do preſent. That whereas A. B. of C. in the County of R. aforeſaid Eſquier, in right of his Hundred of V. in the County aforeſaid, ought to have, and he and all the Lords of the ſaid Hundred, by all the time, whereof the memory of man is not to the Contrary have uſed to have all Beaſts which are called ſtray within the precinct of the ſaid Hundred; Nevertheleſſe one* B. D. *late of &c. knowing the ſame to be true, the day of in the yeare, &c. at* L. *within the precinct of the ſaid Hundred two Bullocks, price forty ſhillings then and there found, did take and drive away, and other harmes to the ſaid* A. B. *did, &c. againſt the peace, &c.*

## *For ingroſſing Corne growing.*

*Northampton.*

THe Jurors &c. do preſent, That A. B. late of C. in the County of N. aforeſaid Yeoman, the day of in the yeare, &c. did buy all the Barley, to the value of twenty pounds growing upon twenty Acres of Land at W in the County aforeſaid, with purpoſe to ſell the ſaid Barly againe, contrary to the forme of the Statute, &c.

## *For refuſing to Watch.*

*Derby. ſſ.*

THe Jurors &c. do preſent, That whereas A. B. late of C. in the County of D. aforeſaid, the firſt day of *Iune*, in the yeare &c. at L. in the ſaid county was by the Conſtable of the Town of L. aforeſaid commanded to keep watch, together with other the Inhabitants of the ſaid Town of L. within the ſaid Town of L. from Sunne ſetting of the ſaid firſt day of *Iune*, untill the Sunne riſing of the ſecond day of the ſame Month of *Iune* next following, according to the forme of the Statute in that caſe made and provided. Nevertheleſſe the ſaid A. B. the Lawes of this Nation not regarding, at L. aforeſaid in the County aforeſaid, the ſaid firſt day of *Iune* in the year aforeſaid to do and keep watch there did altogether refuſe and deny, and made default contrary to the forme of the Statute aforeſaid; By reaſon whereof the watch within the ſaid Town of L. was not kept to the danger of the

the people of the Common wealth, and againſt the peace.

*For taking an exceſſive diſtreſſe.*

*Devon. ſſ.*

THe Jurors &c. do preſent, that whereas in a Statute in Parliament of H. 3 ſometime King of *England* holden at M in 52 yeare of his Raign among other things it was ordained, That diſtreſſe ſhould be reaſonable, and not too greivous. And that he which ſhould make unreaſonable and undue diſtreſſes, ſhould be greivouſly amerced according to the exceſſe of the ſaid diſtreſſes, as in the ſaid Statute more at large is contained; Nevertheleſſe A.B. late of C. in the ſaid County of *Devon* Eſquier, not regarding the ſaid Statute the ſecond day of A. in the year, &c. two oxen, price five pound of the Goods and Chattells of I. A. at N. in the county aforeſaid for foure ſhillings in mony numbred unreaſonably and exceſſively did diſtrain & took for a diſtreſſe And the aforeſaid two Oxen, the ſecond day of A. in the yeare aforeſaid at N. aforeſaid in the county aforeſaid, in manner and forme aforeſaid, the foreſaid unreaſonable and undue diſtreſſe, did make contrary to the forme of the Statute aforeſaid, and againſt the peace, *&c.*

*For taking a diſtreſſe in the high way.*

*Rutl.*

THe Iurors, &c. do preſent, That whereas in a Statute in Parliament of *H.* 3. ſometime King of *England* holden at M. in the 52 yeare of his

Raigne, It was among other things enacted; That it ſhould not be lawfull for any man then after for any cauſe to make any diſtreſſe out of his own fee, nor in the Kings high way, nor in the common ſtreet without ſpeciall authority from the King or his Miniſters, as by the ſaid Statute more at large is contained. Nevertheleſſe A. B. of C. in the County of R. aforeſaid Gent. not regarding the ſaid ſtatute, nor the penalty therein contained, the ſecond day of A. in the yeare, &c. at G. in the county aforeſaid out of the fee of the ſaid A. B. in the common ſtreet there two young Bullocks, price three ſhillings of the Goods and Chattells of I. P. then and there in the ſtreet aforeſaid being found, and being, did diſtraine, and for the diſtreſſe did take, whereas at the time of the diſtrayning aforeſaid the ſaid A. B. was not a Miniſter of the Keepers of the Liberty of *England* &c. nor had any ſpeciall authority to do the ſame, contrary to the forme of the Statute, and againſt the peace &c.

## *For ſhooting Hayle ſhot in a hand Gunne.*

THe Jurors, &c. do preſent, That whereas in a Parliament of *Ed. 6.* late King of *England*, holden at *Weſtminſter* in the ſecond yeare of his Raigne it is among other things ordained and enacted; That no perſon under the degree of a Lord of the Parliament ſhould from thenceforth ſhoot in any Gunne at any Bird, or at any other mark upon any Church, houſe, or Dove houſe, nor that any perſon ſhould ſhoot in any place any Haile ſhot, or more Bullets then one at one time, upon paine of forfeiting ten pounds for every time in which he ſhould offend contrary to the ſaid Statute, and im-

priſonment

priſonment of his body by the ſpace of three months as in the ſaid Statute is more at large contayned: Nevertheleſſe one I. T. late of *&c.* not conſidering the ſaid ſtatute, nor fearing the penalty therein contained, the day of in the year *&c.* in a certaine hand Gun charged with powder and haile ſhot at a certaine Duck in a certaine pond in a common field called Nether field of D. in the County aforeſaid being, did ſhoot and diſcharge haile ſhot then and there at the ſaid Duck, contrary to the forme of the Statute aforeſaid.

## *For breaking and digging the ſoile where another hath Common of Paſture.*

*Lanc.*

THe Jurors *&c.* do preſent, That whereas R. B. Gent. the fifteenth day of *July* in the year of our Lord God, 1649. and long before, and allwayes hitherto was ſeiſed in his demeſne, as of fee of and in one Meſſuage, and twenty Acres of land ſix Acres of Paſture, &c with the Appurtenances in M. in the County of *Lanc.* to which Tenements the ſaid R. B. the ſaid fifteenth day of *July* in the yeare 1649. aforeſaid, and alſo long before, and allwayes after, untill this time hath had, and now of right ought to have common of Paſture every yeare, and at all the times of the yeare, with all and all manner of cattell in 400 Acres of Paſture called the Hay in M. aforeſaid in the county aforeſaid. Nevertheleſſe A. B. late of, *&c.* R. C. D. &c. and E. F knowing the premiſſes to be true, contriving and deviſing how to diſinherit the ſaid R. B. of

B. of his Common aforeſaid the ſaid fifteenth day of *July*, in the year 1649 aforeſaid, at M aforeſaid into the Common aforeſaid, with force and armes *&c.* that is to ſay, with Spades, Staves and other weapons, did riotouſly unite, and unlawfully aſſemble themſelves together with intent to diſturbe the peace of the Keepers, *&c.* and ſo being united and aſſembled then and there with force and armes, and riotouſly into the ſaid 400 Acres of Paſture did break and enter, with intent to digge the ſoile of the ſaid 400 Acres of paſture and the day of *June* in the yeare 1649. aforeſaid the ſoile of the ſaid 400 Acres of paſture aforeſaid did digg and turne up, by meanes whereof the ſaid R. B. his Common of paſture aforeſaid in the ſaid 400 Acres of paſture from the ſaid day of I. in the yeare 1649. aforeſaid untill the day of the taking of this inqueſt hath loſt, and other harmes to him did, to his great damage, contrary to the forme of the Statute, &c and againſt the peace.

## *For taking Conies in a free Warren in the night.*

THe Jurors &c. do preſent, That A.B. late of C in the County of S. Labourer, the day of in the yeare of our Lord 1650. with force and armes, that is to ſay, with Staves, Bills, Bowes and Arrows, and other weapons, aſwell offenſive as defenſive, the Parke of free Warren of D.E. at C. aforeſaid in the County aforeſaid, about the houre of ten of the clock in the night of the ſame day, did break and enter, and in the ſame Parke, or free Warren, with Harriers and Purſnets, without

out the Licence of the ſaid D. E. did hunt, and fortie Conies, to the value of three ſhillings fourepence of the Goods and Chattells of the ſaid E. D. then and there found, did take and carry away, to the great damage of the ſaid D. E. and againſt the peace, *&c.*

## *For conſpiracy of Bakers touching making of Bread.*

THE Jurors &c. do preſent, That A. B. C. D. E. F. and G. H. of I. in the County of L. Bakers, the day of in the year of our Lord God, 1652. at I. aforeſaid in the County of L. aforeſaid, did meet together, and conſpire, and mutually between themſelves agree, that a penny Loafe of cleane Wheat (by them or any of them from thence forth to be made and ſold) ſhould weigh but two pound and ſix Ounces of Troy weight, what price ſoever thereafter the price of a Quarter of Wheat ſhould be in contempt of the Keepers of the Liberty of *England*, and the great greevance of the poor people of the Common wealth, and contrary to the forme of the Statute in that caſe made and provided.

## *For pulling out of Eyes.*

THE Jurors &c. do preſent, That A. B. of C in the County of E. Tinker, the day of in the year, *&c.* in a certaine place, at C. aforeſaid in the County aforeſaid called with force and armes, in and upon one D. T. of C. aforeſaid in the County aforeſaid Yeoman in the peace of God

God and the Keepers, *&c.* being did make an aſſault, and then and there of his malice forethought with his fingers and the Nailes of the fingers of the ſaid A.B. the eyes of the ſaid D.T. felonioufly did digg and pull out againſt the peace, *&c.* and contrary to a Statute in Parliament heretofore held at *weſtminſter* in the County of *Midd.* in the fifth year of the Raign of *Hen.* 4. King of *England*, *&c.*

*Salop. ff.*

THe Jurors *&c.* do preſent, That whereas by a Statute in Parliament of *Hen.* 4. ſometime King of *England* held at *Weſtminſter*, in the fifth yeare of his Raigne it was ordained, That Malefactors which ſhould cut out the Tongues, or pull out the eyes of any of the leige people of the King, the ſame being found and in due manner proved to be done of malice forethought, ſhould incurre the paine of Felony, as in the ſaid Statute is more at large contained; Neverthleſſe one A. B. late of C. in the county of S. aforeſaid Labourer, not fearing the penalty in the ſaid Stature contained, the day of &c. in the year, &c. with force and armes felonicuſly, and as a Felon of the Keepers of the Liberty of *England* lying in waite in his malice forethought, came to H. in the County aforeſaid, and in and upon one N. M. then and there in the peace of God, &c being did make an aſſault, and him did beat, wound, and with a Knife of the value of ſix pence, which the ſaid A.B. in his right hand then and there held the tongue of the ſaid N.M. then and there felonioufly did pull and cut out, againſt the peace, &c.

*For*

## *For hunting in a Parke in the night with Doggs and Buck-ſtalls.*

*Stafford. ſſ.*

THe Jurors &c. do preſent, That A.B. of L. in the County of S. aforeſaid, C.D. of L. aforeſaid in the County aforeſaid Gent. and R. B. of L. aforeſaid Yeoman, the day of *June*, in the yeare, &c. about the houre of twelve of the clock in the night of the ſame day, having gotten unto them many other Maletactors, diſturbers of the peace, to the Jurors unknown, with force and armes, that is to ſay with ſtaves ſtrengthened with Iron, Bowes and Arrowes, Swords and Daggers, and other weapons aſwell invaſive as defenſive, The Cloſe and Parke of F.G. Eſquire at H. in the ſaid County of S. unjuſtly did break and enter, and the Deere of the ſaid F.G. then and there in the ſaid Parke couchant, and feeding with three Greyhounds and a Buckſtall which in the ſaid Parke they held injuriouſly did hunt and chaſe, and one Buck then and there with the Greyhounds aforeſaid riotouſly did take kill, and carry away, againſt the peace, and contrary to the forme of the Statute, &c.

## *For a Labourer keeping a Greyhound.*

*Staff. ſſ.*

THe Jurors, &c. do preſent, That A. B. late of C. in the County of S. aforeſaid Labourer, (being a Lay-man) from the Feaſt of St. *Bartholomew* the Apoſtle, in the yeare of our Lord, &c. continually

continually untill this day of the taking of this inqueſt, at C. aforeſaid, in the County aforeſaid had and did keep a Greyhound, to hunt and chaſe Hares and Conies. And that the ſaid A. B. the 28. of *Auguſt* in the yeare aforeſaid one Coney of the value of foure pence in a certaine Cloſe of I. S. called the Coney cloſe, within the Pariſh of C. aforeſaid in the County aforeſaid, did hunt and kill; whereas the ſaid A. B. never had Lands or Tenements of the cleere yearly value of forty ſhillings. In contempt of the Keepers of the Liberty, *&c.* and againſt the peace.

## *For uſing more Trades then one, upon the Statute of* 3. Ed. 3.

THe Iurors *&c.* do preſent that whereas in the Statute in Parliament of *Ed.* 3. late King of *England* after the Conqueſt, in the third yeare of his Raigne holden, among other things it is ordeyned and enacted; That Artificers and people having a Trade or occupation, ſhould hold himſelfe to his owne Art, and that no man ſhould uſe or exerciſe any other then that which he hath choſen; And if any man ſhould do otherwiſe, he ſhould be puniſhed by Impriſonment of his body, and ſhould pay fine and ranſome to the King, as in the ſaid Statute is more at large contained; Nevertheleſſe, one A. B of C. in the County of *S.* aforeſaid Milner, the Statute aforeſaid not regarding, nor fearing the penalty therein contained from the ſecond day of *July*, in the yeare of our Lord God, 1650. untill the tenth of *Auguſt*, in the yeare 1651. alwell the Art of a Milner, as the Art of a Baker

Baker at C. aforeſaid did keep for ſeducing an Apprentice from his Maſters ſervice.

*Staff. ſſ.*

*THe Jurors &c. do preſent, That I. H. of W. in the ſaid County of S. Baker, was reteyned as a ſervant and Apprentice unto R. B. of W. aforeſaid Baker, the tenth day of* May, *in the yeare of our Lord God* 1652. *for the Terme of five yeares then, and yet to come. Neverthelesſe I. W. late of W. aforeſaid in the County aforeſaid Baker, knowing the premiſes to be true the twentieth day of* O. *in the ſaid yeare* 1652. *the ſame I. H. at W. aforeſaid in the County aforeſaid, from the ſaid R. B. did craftily and fraudulently entice and ſeduce. Whereby the ſaid R. B. the ſervice of the ſaid I. H. did wholly looſe, to the great damage of the ſaid R. B. and againſt the peace, &c.*

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*For*

## *The Upper Bench.*

IN former times, before the Statute of 37. *H.* 8. the party indicted for Treaſon, murder, felony, or treſpaſſe, &c. uſed to take exception againſt the forme of the Indictments, in which the words (with force and armes) that is to ſay, with ſtaves, knives, bowes and arrowes, or ſuch like words, for want whereof they took advantage and avoided the ſame by Writts of Error, or by Plea, upon the appearance of the party indicted. But by that Statute it was declared and enacted; That ſuch words ſhould not neceſſarily be compriſed in the Indictments, but that the ſame ſhould be as good and effectuall in Law without them as with them.

*All offences againſt the peace of the Kingdome or Common wealth are inquired and tryed either at the Upper Bench, or at the Goale delivery, before the Juſtices* Itinerant, *or others, authoriſed by Commiſſion, under the Seale of* England, *or at the generall Quarter Seſſion of every County.*

And whereas by the Common Law of this Nation every offence was to be inquired of and tryed in the proper County where the offence was perpetrated; By the Statute of 33. *H.* 8. *cap.* 26. It was enacted; That if any perſon being examined before the Kings Councell upon any manner of treaſon, miſpriſion of treaſon or murder, do confeſſe any ſuch offence, or be vehemently ſuſpected thereof, That then in every ſuch caſe by the Kings Commandement, his Majeſties Commiſſion of *Oyer* and *terminer*, under his Great Seale, ſhall be made

made by the Chancellor of *England* to ſuch perſons, and into ſuch ſhires and places, as ſhall be named by the Kings Highneſſe, which Commiſſioners ſhall have power to enquire of, heare and determine all ſuch offences within the ſhires and places limited by their Commiſſions.

And by the Statute of 1. and 2. *Ph.* and *Mary cap.* 10. It was enacted, That all manner of offences already made and declared, or hereafter to be made and declared, by any Lawes or Statutes of the Realme to be Treaſons, Miſpriſions of Treaſons, or Concealements of Treaſons done or committed by any perſon or perſons out of the Realme of *England*, ſhould be inquired of, heard and determined before the Juſtices of his Bench for Pleas, before him to be holden, by good and lawfull men of the ſame Shire where the ſaid Bench ſhall ſit, and be kept, or elſe before ſuch Commiſſioners and in ſuch ſhire of the Realme as ſhall be aſſigned by the ſaid Commiſſion and by the ſame Jurors of the ſame ſhire in like manner and forme, to all intents and purpoſes, as if ſuch offences had beene committed within the ſame Shire, where the ſame ſhall be inquired as aforeſaid.

By which two Statutes it appeares, that the Crimes of high Treaſon, miſpriſion of Treaſon and concealement of Treaſons may be inquired of heard and determined, either by the Judges of the upper Bench whereſoever it ſits, or by the Kings Commiſſion in any place of the Kingdome by his appointment.

But for Felonies and all ſorts of offences under treaſon it is not ſo; They muſt be enquired of, heard and determined in the proper County where the offence is committed, and not elſewhere, unleſſe the indictment be in the Crown Office of the upper Beneh, which holds plea of all matters which concerne the peace of the King or Common wealth, and doth therefore take cognizance of any offence which in the time of Kings was againſt the peace of our Lord the King his Crowne and dignity, and is now againſt the peace of the Keepers of the Liberty of *England* by the authority of Parliament.

And under this notion in this Court of the upper Bench are inquirable all treaſons heretofore againſt the perſon of the King, and ſuch other offences as are ſpecified in the ſaid Statute of 25. *Ed.* 3. and all petty Treaſons, and all other treaſons by the Common or Statute Law, all murthers, Rapes, and other Felonies by either of thoſe Laws, there being ſome of the one kinde and ſome of the other.

All Riots and routs, all unlawfull aſſemblies, Burglaries, Robberies, Thefts and Larceny. And all acceſſaries to ſuch offences, and of all manner of treſpaſſes againſt the peace. The ſeverall ſpecies of all which offences are particularly ſet downe by Mr. *Dalton* in his Juſtice of peace, to which (becauſe I will not (while I am writing thereof) commit Felony by ſtealing ſo much out of another mans Book) I referre the Reader.

The Lord Chiefe Juſtice of the Upper Bench (heretofore called the Kings Bench) and unproperly

perly called Lord Chiefe Justice of *England*, which the King only is; and the other the cheife Coroner of *England* is the cheife Judge of all causes of which that Court holds plea, and becauſe he hath the cheife ordering of all matters which belong to the conſervation of the peace of the Common wealth, he is (in reference thereunto) in all Commiſſions of the peace, and Oyer and Terminer throughout the whole Nation, and doth commonly when he pleaſeth ſit as cheife Judge at the Seſſions for *Middleſex*, and in his abſence the other Juſtices of the ſame Court may and doe heare and determine any Cauſes brought before them, which concerne the peace.

*All ſuch* Indictments as are at the Upper Bench, are brought and filed in the Crown Office belonging to that Court, The Maſter of which Office hath the keeping of all the Records which do concerne criminall Cauſes, receives all Indictments, and files them. And by the Clarks of the Office, gives out Copies of all ſuch Indictments, as they may lawfully make, as for treſpaſſe, miſdemeanours, Riots, Routs, informations upon penall Statutes, for which is paid eight pence a ſheet. But of Indictments for Felony, or any other offence of a higher nature, they may not make Copies, but by warrant from the Attorney generall of the Common wealth.

He makes out all proceſſe againſt perſons there indicted, untill they appeare, or are out-lawed, and when they do appeare, by ſome of the Clerks enters their appearance, receaves, and Records all traverſes, and other pleas to Indictments, which are brought into the ſaid office.

Makes all Writs of *Certiorari* for removing of any Indictments out of any County, either at the Goal delivery, or quarter Seſſion, which are returnable in that Court, — for which he hath ——

*And by himſelf, or his ſecondary arraigns all priſoners, which are there to be tried for any criminall cauſe.*

If a man be indicted in that Court for treaſon, or murder, or any other crime, for which he is not bailable, and after be taken upon proceſſe, he is committed to priſon till he come to his triall, which ſhall be at the diſcretion of the Court.

## *Proceedings upon Indictments.*

But if he be taken upon treſpaſſe, *&c.* or any felony, for which he is bailable, and ſhall give bond or recognizance for his appearance at ſuch time as in the recognizance is limited, he ſhall go at large till he come to his triall, which ſhall be at the pleaſure of the Cout, for entring of which bail he payes ——

But if the party indicted for any offence, doth not come and appear gratis; the Court awards firſt a *Venire facias*, and after that a *Diſtringas*, which may be renewed as often as the Court pleaſeth, if the perſon offending have any viſible eſtate by which he may be diſtrained; but if the Sheriff return that he hath nothing by which he can be diſtrained, then doth the Court award a *Capias*, *alias*, and *Pluries*, untill the party be outlawed, by which he forfeits all his goods; all which proceſſe bear

*Teſte*

*Teſte* under the name of the Chief Juſtice, and when there is none, then under the *Teſte* of the eldeſt Judge of that Court.

In like manner, if a man be indicted at the generall Seſſions of the peace, or at any privie Seſſions, and do not appear gratis, the Court there will award proceſſe to bring him in to anſwer: firſt a *Veniẽ facias*, and then a *Diſtringas*; and in caſe there be no diſtreſſe to be taken, then an *alias* and *Pluries*, untill the party be outlawed, as aforeſaid, which Writs are now in the name of the Keepers of the Liberty of *England*, but the *Teſte* is under the name of the *Cuſtos rotulorum*, and are thus formed.

## *The Venire facias.*

THe Keepers of the Liberty of *England*, To the Sheriff of *Kent* Greeting. We command you that you omit not for any liberty within your liberty; but that you make *A.B.* of *C.* in your County, yeoman, to come before your Juſtices for the conſervation of the peace, and divers felonies, treſpaſſes, *&c.* to hear and determine aſſigned, at the next generall Seſſions of the peace for the ſaid County to be holden, to anſwer unto us upon certain articles, upon which he is preſented, and that you have there this Precept. Witneſſe, *&c.*

## *The Diſtringas thus.*

THe Keepers of the Liberty of *England*, &c. To the Sheriffe of the County of *Kent* greeting. Wee command you that you omit not for any liberty with in your Bailywick, but that you enter the ſame, and diſtraine A. B. of C. in your County Yeoman, by all his Lands and Tenements, Goods and Chattells, And that of the iſſues thereof, you anſwer us, &c. And that you have his body before our Juſtices &c. to anſwer unto us, &c. Witneſſe &c.

## *The Capias thus.*

THe Keepers, &c. To the ſheriffe of the County of Kent greeting. *Wee command you that you omit not for any liberty within your Bayliwick, but that you enter the ſame, and take the body of A.B. of C. in your County Yeoman, and him cauſe to be ſafely kept, So that you may have his Body before our Juſtices, &c. At the next generall Seſſions of the Peace for the ſaid County to be holden to anſwer unto us upon divers treſpaſſes, contempts and offences, of which he ſtands indicted. And that you have here this Writ. Witneſſe, &c.*

*Upon which Writ if the Sheriffe returne that the party is not to be found within his Bayliwick, there ſhal an* alias Capias *be awarded of this Tenor.*

The

### *The Alias thus.*

THe Keepers, &c. To the Sheriff, &c. We command you, as before we have commanded you, that you omit not for any liberty, &c. but you enter thereinto, and take the body of A. B. — as in the *Capias, &c.*

*And if the Sheriff make the like return, then is a* Pluries *awarded, of this tenor.*

### *The Pluries thus.*

THe Keepers, &c. To the Sheriff, &c. We command you, as often we have commanded you, That you omit not for any liberty, &c. But that you enter thereinto, and take the body of A. B. *&c.* as in the *alias.*

*Upon which Writ, if the Sheriff return that the party is not to be found, and that he came not, then an* Exigent *is awarded, in this manner.*

### *The Exigent.*

THe Keepers of the liberty of *England*, to the Sheriff of K. &c. Greeting. We command you to call A. B. of C. in your County, yeoman, untill according to the Law and Custome of *England* he be outlawed, if he shall not appear; and if he shall appear, that then you take him, and cause him safely to be kept, so that you may have his body before our Justices, &c. at the next generall Sessions of the Peace for the said County to be holden, to answer unto us for divers trespasses, contempts, and offences, of which he stands indicted, And that you have this Writ. Witnesse, &c.

*If upon this Writ the Sheriff return, That at five County dayes after the date thereof, the party was called and did not appear; he is thereupon outlawed, and then the power of the Justices doth determine, they having no power to make a* Capias Utlagatum, *but must return the* Utlarie *into the upper* Bench, *who will thereupon — proceed according to the course of the law in such cases used.*

## AN EXIGENT
### *for a forcible entry.*

THe Keepers, *&c.* To the Sheriff of G. Greeting. We command that you do call, or cause to be called, C. D. of *London* Esquire from County to County, untill by the Law and custom of *England* he be outlawed if he do not appear; and if he do appear, that then you take him, and cause him to be safely kept; So that you may have his body before us in the *Octaves* of St *Hill.* next coming, whersoever we shall be in *England*, to answer unto us for certain trespasses and contempts against the Statute concerning forcible entries made and enacted, whereof he is indicted, and whereof you have at another time returned, that he was not to be found within your Bailiwick: and that you have there this Writ, Witnesse H. R. at *Westminster*, &c.

But

But if the party indicted will either appear gratis, or before he be put to the *Exigent*, the offence being for riots, routs, forcible entry, or detainer, treſpaſſe, or breach of penall Statutes, or any thing leſſe then felony, he may remove the indictment by Writ of *Certiorari* either out of the Chancery or upper Bench; or he may enter his traverſe, or take exceptions to the Indictment, either for the matter of form thereof, or elſe to avoid further trouble and expence, ſubmit himſelf to a fine, which ſhall be impoſed by the Juſtices of the Peace at their diſcretion, where the penalty for the offence is nor certainly limited, by any Statute Law, in which caſes they cannot mitigate the fine, which muſt be paid according to the words of the Statute.

If the party indicted will traverſe the Indictment, he muſt enter into bond, or recognizance to the keepers of the Liberty of *England*, to proſecute the ſame with effect, and in order thereunto muſt ſue forth proceſſe out of the Court awarded to the Sheriff of the County to return a Jury for the triall of the merit of the cauſe the next Seſſions, (if he be not at preſent ready) for which he payeth to the Clerk of the peace three ſhillings four pence.

And albeit the party indicted do enter his traverſe, yet he may afterwards waye and relinquiſh his traverſe, and under proteſtation that he is not guilty, will nevertheleſſe ſubmit to his fine.

And if he reſolve to traverſe, he may do it either by pleading the generall iſſue not guilty, or he may plead ſpecially to the matter of the Indictment,

upon

upon which ſpeciall matter iſſue ſhall be taken, by the Clerk of the Peace, (who in ſuch caſes is as the Attorney of the Common-wealth) and brought to a triall, where if the verdict paſſe for the party indicted, he ſhall be thereupon diſcharged, but if he be found guilty, he ſhall be fined, and if the caſe ſo require, impriſoned and the fine returned into the Exchequer by the Clerk of the peace, under the hand of one of the Barons, who muſt have for his hand two ſhillings.

## *Proceedings upon Indictments.*

But if the party indicted for any offence under felony will take exception to the indictment, either for the matter or the form, he muſt by counſell acquaint the Court therewith, and if the error be apparent, the indictment ſhall be immediately quaſhed, and the party diſcharged; But if the matter be doubtfull, or difficult, the Juſtices may, and ought by a Proviſo in their Commiſſion, to take time to conſider thereof, and not to give judgement but in the preſence of one of the Juſtices of one or the other Bench, or the Juſtices of Aſſize for that County aſſigned before the ſaid Juſtices of the peace, or two, or more of them.

And if the party indited be not willing to have his triall either at the goal delivery, or at the Quarter ſeſſions, he may remove the indictment by Writ of *Certiorari* out of the upper Bench; and all other things that do concern the ſame, which may be done by the ſeverall Writs hereafter expreſſed.

Certioraries.

# Certioraries.

## *A Certiorari upon an indictment for a forcible entry.*

*Lincoln.*

THe Keepers of the liberty of *England*, &c. To the Conservators of our Peace, and to our Justices, for divers felonies, &c. assigned Greeting. Our will being for certain causes, that all Indictments concerning certain trespasses and contempts contrary to the form of the Statute for forcible entries made and enacted, and other articles and offences, whereof A. B. of C. in the county aforesaid, yeoman, and all others in the foresaid Indictment named, before you are indicted (as it is said) shall be determined before us, and not elswhere: We do therefore command you and every of you, That all and singular the Indictments aforesaid, with all things concerning the same, by what names soever the said A. B. and all the rest be called in the same Indictments, you, or one of you, do send unto us under your seals in the *octaves* of St. *Hilary*, wheresoever we shall be in *England*; That we may further do therein as according to Law, and the custom of *England* shall seem good unto us. Witnesse *H. R. &c.*

## *A Certiorari to the Justices of the Goal delivery.*

*War. ss.*

THe Keepers, &c. To our Justices for our Goal delivery in the County of *War.* from the prison there being to be delivered, assigned, greeting: Our will

will being for certaine cauſes, that all and ſingular Indictments of a certain felony & murder, whereof W. P. and all other in the ſame Indictments named lately before our Juſtices, to hear and determine divers felonies, treſpaſſes, and other miſdeeds in the County of *Warwick*, aſſigned, and before you now being, by what name the ſaid W. P. and all others in the ſame Indictments are called, ſhould be determined before us, and not elſewhere. We command you and every of you under your ſeals, or the ſeals of one of you, to ſend the ſame unto us in the *Octaves*, &c. together with this Writ, *&c.*

## *A Certiorari for an Indictment and Utlawry.*

THe Keepers of the, *&c.* To the Juſtices of the peace, *&c.* Our will being for certain cauſes, that all and ſingular Indictments concerning certain felonies, and treſpaſſes, whereof R. O. before you ſtands indicted (as it is ſaid) ſhould be determined before us, and not elſewhere; We command you and every of you, that all and ſingular Indictments, together with an Utlawry, if any ſuch be upon theſe occaſions, or any of them ſhall be publiſhed againſt him, with all things touching the ſame, by what name the ſaid R. be called in the ſame, you ſend unto us under the Seales of you or one of you in fifteen dayes after *Eaſter* next, whereſoever we ſhall be, *&c.* or ſhew cauſe unto us why you would not, or could not execute our former Writ concerning the ſame to you directed, and that you have there this Writ. Witneſſe H. R. *&c.*

*A Certiorari*

## *A Certiorari at the Sheriffs Turn.*

THe Keepers, *&c.* To the Sheriff of the County of *Hertford*, Greeting, Our will being for certain cauſes, That all and ſingular Indictments for whatſoever felonies and treſpaſſes, whereof A. B. of C. in your Turn, lately held, is indicted (as it is ſaid) before us by you to be ſent, We command you that the ſaid Indictments, with all things concerning the ſame, ſo fully and entirely, as before you the ſame were lately taken, and are now in your keeping (as it is ſaid) by what name ſoever the ſaid A. be called in the ſame, you ſend unto us under your ſeal, (ſuch a day) whereſoever, *&c.* together with this Writ.

## *A Certiorari from the Bailiff of a Mannor.*

*THe Keepers, &c. To the Bailiffs of the Mannor of* N. *greeting. Willing for certain cauſes all and ſingular Indictments of divers treſpaſſes, whereof* T. B. *before you at the view of Franck pledge, there lately held, he is indicted (as it is ſaid) ſhould be determined before us, and not elſewhere. We do therefore will and command you, that all and ſingular Indictments, with all things concerning the ſame, by what name ſoever the ſaid* T. *be called, before us under the ſeals of you or one of you, whereſoever we ſhall be, &c. you do ſend together with this Writ, &c.*

## *A Certiorari to the Steward and Bailiffs of a Mannor.*

THe Keepers, *&c.* To the Steward and Bailiffs of the Mannor, town, liberty, and hundred of *C.* and *C.* in the county of *S.* greeting, Willing for certain cauſes,

cauſes, all and ſingular Indictments, or Preſentments, Fines, or Amerciaments whatſoever, whereof R. P. is indicted, preſented, or amercied before you, ſhould be determined before us, and not elſewhere; we do therefore will and command you, that all Indictments, Preſentments, and Amerciaments, with all things concerning the ſame, you or one of you, ſend unto us under your ſeals, *&c.*

And now, having declared in what caſes *Certioraries* are granted for removing Indictments and preſentments, from the Juſtices of the Goal delivery, Juſtices of the Peace, Stewards, and Bailiffs of Manors are uſually granted, I ſhall here by one or two precedents (which may ſerve for the direction and information of the Reader) ſet down the form of a *Procedendo*, to return and ſend back the ſaid Indictments and Preſentments, to be tried and proceeded in, in the ſame Courts and places from which they were removed, the form whereof is as followeth, and may ſerve, *mutatis mutandis*, for any other cauſe whatſoever.

## *A* Procedendo *upon a Certiorari.*

*Procedendoes in Titulo.*

THe Keepers of the Liberties, &c. To the Conſervators of the peace, &c. Whereas we did of late for certain cauſes, command you and every of you, that all and ſingular Indictments concerning all felonies and treſpaſſes, whereof A. B. before you doth ſtand indicted (as it was ſaid) with all things concerning the ſame, by what name ſoever the ſaid A. was called in the ſame before you, under the ſeals of you, or one of you, at a certain day now paſt, whereſoever we ſhould then be in *England*, you, or one

one of you ſhould ſend unto us, together with the ſame Writ thereof to you directed; that we might further poceed therein as of right, according to the laws and cuſtom of *England* belongeth. We for certain cauſes in our Court before us moving, command you and every of you, that from doing the execution of the ſaid Writ you do ſuperſede; and to the determination of the ſaid felony and treſpaſſe, with that celerity which of right, and according to the cuſtom aforeſaid, as to you ſhall ſeem good, you do proceed, our ſaid Writ to you as aforeſaid directed notwithſtanding. Witneſſe H R. at *weſtminſter*, &c.

## *A procedendo upon a Habeas Corpus.*

THE Keepers, &c. To the Mayor and Sheriffs of *London*, greeting. Whereas we did by our Writ lately command you, that the bodies of A. B. and C. D. in our priſon in the cuſtody of you the ſaid Sheriff detained (as is ſaid) together with the cauſe of their detention in the ſame you ſhould have before us (at ſuch a day laſt paſt) to do and receive ſuch things as our Court before us ſhould then and there conſider. And we for certain cauſes in that behalf us eſpecially moving, do command you, that in whatſoever pleas, complaints, indictments, or demands before you or any of you againſt the ſaid A. B. and C. D. or either of them not determined, that you do proceed as of right, and according to the cuſtom of the city were to be proceeded, our command aforeſaid to you in that behalf directed in any wiſe notwithſtanding. Witneſſe H. R. at *weſtminſter*, &c.

## Warrants.

*AND because the ſubject matter of this Work is concerning the conſervation of the peace, and the puniſhment for the violators thereof; It will not be amiſſe that we take our riſe from the firſt acts which are done, and conduce to the preſervation thereof, and the ordinary way to bring delinquents to condigne and legall puniſhment for all ſuch offences, upon which the ſeverall Indictments here before ſpecified do ariſe and have their ſource. We will therefore begin with the form of ſuch Warrants as are commonly made by the Judges of Aſſize, or the Juſtices of the Peace, to bring in offenders who are to be proceeded againſt, as ſhall hereafter be ſet forth; which Warrants are granted upon ſuch ſeverall occaſions as ſhall emerge: As where a Felony, or other miſdemeanour is done, and the perſon or perſons offending not known; for the diſcovery thereof, the party offended may have recourſe to ſome Juſtice of the Peace within the ſaid County where the offence is committed, and crave his Warrant of this tenor.*

A Warrant

## *A Warrant to attach for ſuſpicious perſons.*

*Kent.*

WHereas *A B.* of *C.* in this County, yeoman, hath informed me, that this preſent day, being the day of this inſtant moneth of *M.* between the hours of ſeven and eight of the clock in the forenoon, he was by three ſeverall perſons, unknown aſſaulted in the high-way, between the towns of *E.* and *F.* in the Hundred of *G.* and by them beaten, and evil intreated, and put in great fear of his life, and had twenty pounds in money taken from his perſon. Theſe are therefore to will and require you, and in the name of the Keepers of the Liberty of *England*, by authority of Parliament, ſtraitly to charge and command you immediately upon receipt hereof, to make diligent ſearch and inquiry within your ſeverall liberties and precincts (eſpecially in all ſuſpicious places) for all ſuch vagrant and idle perſons as cannot give a good account of their habitation and calling, and them to apprehend upon ſuſpition of the ſaid offence, and under your cuſtody to bring them before the next Juſtice of the peace where they ſhall be apprehended to be by him examined, and further dealt with according to Law, and this ſhall be your ſufficient warrant in that behalf, whereof I require you in no caſe to fail, as you will anſwer the contrary. Given under my hand and ſeal at *H.* the day of *An. Dom.* 1650. and this to be directed

*To all Mayors, Bailiffs, Conſtables, Headborroughs, and all other officers to whom theſe ſhall appertain, within the County of* Kent.

IF the party thus robbed, do with all ſpeed make Hue and Cry, and at the next town to the place where the robbery was done make the ſame known, and do before the next Juſtice of the peace he can finde, make oath thereof, and freſh ſuit be not made in purſuance of the offender, the party robbed ſhall recover his damages of any one or more perſons in the Hundred where the purſuit was neglected, againſt whom he ſhall bring his action: and every inhabitant in the hundred ſhall contribute to the payment of the coſts and damages which ſhall be recovered of him againſt whom the action is brought, according to the rates at which they ſhall be aſſeſſed by the Conſtables and Headborroughs of the ſeverall Hamlets within the hundred where the robbery was done.

But it behoveth him who will expect benefit by ſuch action, to purſue the words of the Statute to the letter, otherwiſe he ſhall take no advantage by the ſaid Statute. The perſon robbed muſt therefore, with as much convenient ſpeed as may be, give notice and intelligence of the felony or robbery ſo committed, unto ſome of the inhabitants of ſome town, village, or hamlet neer unto the place where ſuch robbery is committed, and muſt within twenty dayes next before ſuch action be brought to be examined upon his corporall oath to be taken before ſome one Juſtice of the peace of the county where the robbery was committed, inhabiting within the ſaid hundred where the robbery was committed, or neer unto the ſame, whether he do know the parties that committed the ſaid robbery, or any of them, and if upon ſuch examination it be confeſſed that he doth know the parties that committed the

ſaid

ſaid robberie, or any of them, then he ſo confeſſing, ſhall before the ſaid action be brought, enter into ſufficient bond by recognizance before by the ſaid Juſtice before whom the ſaid examination is had effectually to proſecute the ſame perſon or perſons ſo known to have committed the ſaid robbery by indictment, or otherwiſe, according to the due courſe of the laws of this Realm, as by the Statute of 27. *Eliz.* more at large appeareth.

*I have inſiſted the longer upon this point for the better information of ſuch as are ignorant in the law, having obſerved, that for the want of the proſecution of the ſeverall circumſtances of this Statute, many have failed in their actions which they had juſt cauſe to bring; and ſometimes after a verdict upon ſuch action, judgement hath been arreſted, and the action loſt.*

*But if the party robbed do know the felons, and their names, then the Warrant muſt be thus.*

THeſe are to will and require you, and in the name of the Keepers of the liberties of *England*, &c. ſtraitly to charge and command you immediately upon receit hereof to make diligent ſearch and inquiry within your ſeverall liberties and precincts for *A. B. C. D.* and *E. F.* and them to apprehend for ſuſpition of felony, and under your cuſtody, to bring them before the next Juſtice of the peace of the county where they or any of them ſhall be apprehended, to be by him examined and further dealt with according to law, and this ſhall be your warrant in that behalf, whereof I require you in any wiſe not to fail. Given under my and ſeal, *&c.*

*Which Warrant is to be directed as the laſt before mentioned.*

*And in purſuit of ſuch felons, the conſtables, or other officers to whom the Juſtice of peace his Warrant is directed, may (whenneed ſhall ſo require) require the aid of ſo many of his neighbours of all ſorts of able men above fifteen yeers of age, as they ſhall think meet. And if any ſuch perſon ſo required by any of thoſe officers ſhal refuſe or neglect to aid them, he may be fined and impriſoned for it at the quarter Seſſions.*

*And if upon ſuch ſearch and purſuit the officers who are commanded by the Juſtice of the peace to make the ſame, do finde, or upon good preſumption do ſuſpect that the offenders are got into a houſe, they may (firſt ſignifying the cauſe of their coming, and requiring the doores to be opened unto them) break open the houſe where the offenders are. And if a Conſtable do arreſt a man upon a Warrant from a Juſtice of peace, and after the arreſt the party (of his own wrong) getteth away and flieth into another county, in this caſe the officer may purſue him, and take him there, and bring him back to the ſame Juſtice from whom the Warrant came; but if coming to arreſt a man he fly before he arreſted into another County, and he purſue him, and take him there, in this caſe he muſt bring him before a Juſtice of the peace of the ſame County where the offender is taken, where the officer can do nothing as an officer, but as a private man onely.*

## *A Warant to attach one to appear at the Aſſiſes.*

*Salop.*

THeſe are to will & require you, and in the name of the Keepers of the Liberty of *England*, &c. ſtraitly to charge and command you, to apprehend the

the body of *A. B.* late of *C.* in the County of *Salop*, laboure, and him presently to conduct and bring before me, or some other of the Justices of the peace of the said County, to enter into a recognizance with sufficient sureties for his appearance at the next Assises, or generall gaol delivery to be holden for the said County, to answer unto such matters as on the behalf of the said Keepers shall be then and there objected against him, And hereof fail you not, *&c.* Given, *&c.*

*To the Constable of* D. *or to his deputy, or deputies, or any of them.*

## *A Warrant for men which have committed a riot.*

*Kent.*

FOrasmuch as I am informed, That there is a riot done and committed in *L.* in the said County, by *A. B. C. D. E. F.* and others, yet unknown, in casting down a ditch in the night, tending to the breach of the peace of the Keepers of the Liberty of *England*, *&c.* These are therefore in the name of the said Keepers, to will and require you to attach the bodies of the said *A. B. C. D.* and *E. F.* and them to bring before me at my house at *N.* then and there to answer for the said offence, and all such other matters as shall be objected against them: And further, to be ordered as to law and justice shall appertain. And herof fail not, *&c.* Given, *&c.*

*To the Constables of* L. *&c.*

## *A Warrant for the Peace.*

*Eſſex.*

FOraſmuch as *A. B.* of *C.* in the County aforeſaid yeoman, hath come before me, and hath taken his corporall oath, That he ſtandeth in fear of his life, or ſome other bodily harm to be done unto him by *E. F.* of *G.* in the ſaid County husbandman: Theſe are therefore in the name of the Keepers, *&c.* ſtrictly to charge you, that preſently upon the receipt hereof, you cauſe the ſaid *E. F.* to come before me, or ſome other of the Juſtices of the peace of the ſaid County, to finde and give in ſufficient ſureties, as well for his appearance at the next quarter Seſſions of the peace to be holden for the ſaid County, as alſo for the keeping of the peace towards the ſaid Keepers, and all the people of this Common-wealth, and chiefly towards the ſaid *A. B.* And if the ſaid *E. F.* ſhall refuſe this to do and perform, that then immediatly you him ſafely convey to the goal at *C.* there to remain untill he become bound, as aforeſaid; ſo as his body may be at the next generall quarter Seſſions of the peace to be holden for the ſaid County, together with this Precept; and hereof fail you not, *&c.* Given, *&c.*

*To the Conſtables of the town of* D.

## *Another Warrant for the peace.*

FOraſmuch as *A. B.* wife of *R. B.* of your town, labourer, hath required the ſurety of the peace againſt *C. D.* of your town, tailor, and withall hath taken her corporall oath before me, that ſhe requireth

quireth the ſame, not for any hatred, malice, or evil will, but ſimply, that ſhe is afraid of her life, or hurting, or maiming of her body: Theſe are therefore to will and require you, and in the name of the Keepers of the liberties of *England*, &c. to charge and command you, that immediately upon the ſight herof, you or one of you, require the ſaid *C. D.* to come before me, or ſome other of the Juſtices of the peace within the ſaid County, to finde ſufficient ſureties, as well for his appearance at the next generall quarter Seſſions, *&c.* as alſo, *&c.* As in the former Warrant, *&c.*

## *A Warrant for the good behaviour.*

*A. B. and C. D Eſquires, two of the Juſtices of the peace in the County of* Leiceſter, *to the Sheriff of the ſaid County, to the chief Conſtables of the hundred of* E. *and to the under Conſtables of* F. *and to every of them, Greeting.*

FOraſmuch as *G. H.* of F. aforeſaid, husbandman, hath been bound to the Keepers of the Liberty of *England* in recognizance, for the good abearing, and forfeited the ſame, and ſtandeth at this time indicted thereof, and continueth a diſordered perſon, and not of good fame, nor honeſt converſation among his neighbours, but is an evil doer, a barretor, a riotous and perturber of the peace of the ſaid Keepers of the Libertie of *England*; as we are given to underſtand by ſundry credible perſons by evident matters in Articles objected againſt him; Therefore on the behalf of the ſaid Keepers, we command you and every of you, to cauſe the ſaid *G. H* to come before us, or ſome other of our fellow Juſtices, to finde ſufficient ſureties and main-

prize, as well for his good abearing towards the ſaid Keepers, as all other the people of this Common-wealth, untill the next quarter Seſſions of the peace to be holden for the ſaid County; as alſo for his perſonall appearance then and there. And if he ſhall refuſe ſo to do, that then immediately you ſafely convey him, or cauſe to be ſafely conveyed to the common gaol of the ſaid County, there to be and remain, untill he ſhall willingly do the ſame; ſo that he may be before the Juſtices of the peace of the ſaid County, at the next generall Seſſions of the peace, to be holden as aboveſaid, then and there to anſwer for his contempt in this behalf. And ſee that you certifie your doings in the premiſſes to the ſaid Juſtices at the ſaid Seſſions, and bring thither this Precept. Given under our hands and ſeals, *&c.*

*To the Conſtable of A. his deputy, or deputies, or any of them.*

## *Another Warrant for the good behaviour.*

FOraſmuch as we have been credibly informed, that *A. B.* of your town, is a man of evil behaviour, one that daily moveth diſcord, ſtrife, and diſſention among his neighbours, and a common perturber of the peace of the Keepers of the Liberty of *England*, &c. Theſe are therefore in the name of the ſaid Keepers, immediately upon the ſight hereof, to cauſe the ſaid *A. B.* to come before us, *&c.* as before.

*A War-*

*A Warrant for the good behaviour, directed to the Sheriff.*

THe *Keepers* of the Liberty of *England*, &c. To the Sheriff of the County of *Lanc.* greeting. We command you that you omit not for any liberty, but that you enter thereinto, and attach the body of *A. B.* late of *C.* in your County, yeoman, ſo that you may have his body before one or more of our Juſtices, for the keeping of the peace within your County aſſigned, ſo ſoon as he can be found, then before them, or one of them to finde ſufficient ſurety for his good behaviour towards us, and all the people of this Common-wealth, and eſpecially towards *E. F.* and to appear before our ſaid Juſtices for the keeping of our peace aſſigned at *M.* in your County at the generall Seſſions of the peace to be holden for your County and from thence not to depart without the licenſe of the ſaid Juſtices under a certain pain upon him by our ſaid Juſtices, or any of them to be impoſed; and this to do, ſee ye do not in any wiſe omit, upon perill that ſhall fall thereon, and that you have here this Writ. Witneſſe *T. B.* Baronet, at *D.* the day of *Anno D.* 1652.

*A Warrant to levie money forfeited by Ale-houſe-keepers.*

Eſſex.

*I. G. Eſquire, one of the Juſtices of the peace in the ſaid County of* Eſſex, *to the Conſtables and Churchwardens of the pariſh of* W. *and to every of them, Greeting.*

FOraſmuch as it hath been proved before me, according to the Statute in that behalf provided, That all & every the perſons hereunder named, being

Inhabitants within your parish of *W.* upon the tenth day of this instant moneth of *September* have been, and continued drinking and tipling in the house of *G. W.* of your said town, (Inn-keeper, or Alehouse-keeper) contrary to the form of the same Statute; These are therefore in the name of the said Keepers, *&c.* to charge and command you and every of you, forthwith to levie by distresse and sale of the goods of every of the said persons hereunder named, the sum of three shillings four pence apiece, if they shall refuse, or neglect to pay the same, (which severall forfeitures shall be bestowed and imployed by you to the use of the poor of your parish) and that you render to every of the said offenders the overplus that shall remain upon your sale of the said goods; if the said offenders, or any of them shall refuse, or neglect to pay their said severall forfeitures, and that you can finde no sufficient distresse whereon to levie the same, that then the Constables, or one of you, shall commit every such offender or offenders (neglecting or refusing to pay the said sum or forfeiture, and not having sufficient whereon to be distrained for the same) to the stocks there to remain by the space of four hours, and this shall be your Warrant herein, dated, *&c.*

## *To the high Constables of the Hundred of* R. *and to either of them.*

THese are in the name of the Keepers of the Liberty *of England*, &c. to command you to warn all the Innholders, Taverners, Cooks, Alehouse-keepers, Butchers, and other victuallers whatsoever within your hundred, personally to appear before us at *L.* upon Tuesday, being the twentieth day of this

this inſtant *Febr.* at the ſigne of the Swan there; and to bring with them ſureties that ſhall enter into bond with them, to the uſe of the ſaid Keepers, for the due obſervation of the Orders lately publiſhed for the reſtraint of killing, dreſſing, and eating of fleſh in Lent, or upon fiſh-dayes, according to a Proclamation in that behalf made; and that you, or one of you be then and there with us, to deliver us a note in writing of the names and ſirnames, and dwelling places of every of them, and of all other that victuall without licenſe within your Hundred; as you will anſwer the contrary at your peril. Dated at *W.* the firſt day of *Febr. Anno Dom.* 1652.

*By this time we ſee what uſe is of a Conſtable by whom all the Warrants before mentioned, and which ſhall hereafter follow, are to be executed: but before we trouble him with the execution of any more. I think it convenient to ſet down his duty, which ſhall beſt appear by the oath which he takes when he is put into that troubleſom and neceſſary office; which done, we ſhall adde ſome further forms of warrants, and make ſuch obſervation as ſhall be emergent thereupon; the tenor of which oath is as followeth:*

YOu ſhall well and truly ſerve the Keepers of the liberty of *England* by authority of Parliament, in the office of Conſtable within your townſhip, liberty and precinct: you ſhall ſee the peace to be well and truly kept; you ſhall arreſt all perſons committing any aſſaults, affrayes, riots, or unlawfull aſſemblies, to the breach of the peace; you ſhall from time to time preſent the offences done and commited, contrary to the Statute made againſt drunkenneſs; you ſhall ſee that the Statute of *Winton*

for

for puniſhment of ſturdy beggers, vagabonds, rogues, and other idle perſons be put in execution, and the offenders puniſhed, you ſhall do your beſt indeavour upon complaint made to apprehend all fellons, barretors, riotous perſons, and other offenders making any affrayes; and if any of them ſhall reſiſt with force, you ſhall make outcry, and them purſue till they be taken: you ſhall have regard, that no unlawfull games be uſed: you ſhall duly execute all Precepts, and Proceſſe coming unto you from any of the Juſtices of the peace within this County: you ſhall make true preſentments of all bloodſheds, outcries, affrays, reſcues, and other miſdemeanours committed within your Office: and you ſhall duly and truly, to your power and beſt knowledge, do all other things which appertain to the office of a Conſtable to be done for this yeer come, or for ſo long as you ſhall continue in the ſaid Office, So help you God.

*And becauſe in this oath of the Conſtable, mention is made of the Statute of* Wynton, *for watch, Hue and Cry, which he is ſworn to ſee executed, though few do underſtand the tenor of that Statute, I have thought it worth the labour, for the better information of ſuch officer, to inſert the ſame in this* Treatiſe *of the peace, which is as followeth.*

*IF any be ſuſpected of the death of any man, being in danger of his life, he ſhall be taken and impriſoned, and Hue and Cry ſhall be levied for all murders, burglaries, and for men ſlain, or in danger to be ſlain, as otherwiſe is uſed in* England: *And all ſhall follow*

*low the Hue and ſteps as neer as can be, and he that doth not, and is convicted thereupon, ſhall be attached before the Juſtices of the Gaol delivery: immediatly after any felonies and robberies be committed, freſh ſuit ſhall be made from town to town, and from countrey to countrey; and inqueſt ſhall be taken (if need be) by him that is the chief Lord of the town, and after in the Hundreds, Franchiſes, and in the County, and ſometimes in two or three, or four Counties, in caſe where felonies be committed in the marches of Shires, ſo that the offenders may be attainted and ſuffer puniſhment. And if the countrey will not anſwer for the bodies of ſuch offenders, the people dwelling in every ſuch countrey, ſhall anſwer for the robberies done, and the damages: So that the whole Hundred where the robbery ſhall be done, with the Franchiſes which be within the ſame Hundreds ſhall anſwer for the robberies done. And if the robbery be done in the diviſion of two Hundreds, then both the Hundreds together, with the Franchiſes within the precincts of them ſhall anſwer; and the countrey ſhall have no longer time after the felony and robbery committed, but fourty dayes, within the which they muſt agree for the robbery and offence, or elſe they ſhall be anſwerable for the bodies of the offenders.*

*And*

And now that the Constable being informed what is meant by the Statute of *Winton*, knowes what he is to do in the execution thereof; we will finde him some more work in the execution of such other Warrants and Precepts as shall come to his hands from the Justices of the Peace, or the Upper-bench; but before I do that, I shall set down the Oath of an high Constable, of which there are commonly two in every Hundred, as followeth.

*YOu and either of you shall well and truly serve the Keepers of the Liberty of* England *by authority of Parliament, in the Office of high Constables within the Hundred of* L. *within this County, wherein you and either of you shall do and perform all things belonging to your Office according to your best skill and knowledge, and according to such Articles and other directions as shall be given you by this Court.*

So help you God.

This Officer of high Constable hath power to do divers things which the petty Constable hath not, which because they do not meerly concern the Peace (which as I said before is the subject matter of this present work) I shall not mention; I shall onely observe that by the late King *Charles* his speciall direction, *Anno Dom:* 1630. the high Constables were charged to look to the petty Constables that they be diligent in their Offices; and that they should present to the Justices of the Peace the defaults of the petty Constables, in their not punishing of Rogues, or not presenting those that are Receivers of them.

And

*And now having done with the high Conſtable for ſo much as concernes the matter of the Peace, I ſhall return again to the Warrants I formerly promiſed.*

## *A Warrant to take men Indicted, and have not payed their Fines aſſeſſed upon them.*

FOraſmuch as the ſeverall perſons hereunder named, ſtand indicted and preſented for their ſeverall Offences hereafter expreſſed, and have not made Fine to the Keepers of the Liberty of *England, &c.* Theſe are therefore in the name of the ſaid Keepers, to charge and command you that you appprend and take them and every of them, and them and every of them ſafely to keep, ſo that you have their bodies before the Juſtices of the Peace, at the next generall Seſſions of the Peace to be holden for the ſaid County, after the Feaſt of *Eaſter* next coming, then and there to make their Fine for the ſeverall Offences, and further to do as to the ſaid Juſtices ſhall be thought fit and convenient: And of your doing therein, that you certifie us at the ſaid Seſſions, given in open Seſſions under our hands and ſeales at *M.* the tenth day of January, *Anno Dom:* 1652.

## *A Warrant for the Peace granted by a Iudge of Aſſiſe.*

THe Keepers of the Liberty of *England, &c* To the Sheriff of *Lancaſter*, greeting. We command

mand you, that you omit not for any liberty in your County, but that you attach *A.B.* late of *C.* in the said County, Yeoman, so that you may have his body before our Justices at *Lancaster*, on Monday the tenth of *April* next coming, then and there to give sufficient security to keep the Peace towards us, and all the people of this Nation, and chiefly towards *R.B.* under a certain pain upon him by our Justices to be imposed; And when you shall by vertue of this Writ attach him, then by sufficient sureties such as will be bound for him, you shall under a reasonable pain to be imposed, you shall binde him aswell for his appearance at the said day, as also for the keeping of the Peace towards us, and all other people of this Nation, and especially towards the said *R.B.* untill the said day; And this in no wayes to omit, upon pain and peril that shall fall thereon, and have you here this Writ. Witnesse *E. B.* at *Lancster*, the day of *Anno Dom* 1652.

## *A Warrant to attach a Fellon.*

FOrasmuch as complaint hath been made to me by *A. B.* of your town, that he hath of late certain goods felonjously taken from him; and that he hath in suspition one *C. D.* of your town, labourer. These are therefore to will and require you and every of you, presently upon the receipt hereof, to attach the body of the said *C. D.* and thereupon to bring him before me, to answer unto the premisses. And hereof fail you not at your peril. Given under my hand and seal, *&c.*

*To the Constables of* M.

*A war-*

A Warrant for one who hath dangerouſly hurt another.

*FOraſmuch as I am credibly informed, that* A.B. *of your Town,* Butcher, *hath now lately dangerouſly hurt one* C.D. *of your Town,* Yeoman, *by a blow which he hath given the ſaid* C.D. *on his head, and another on his back, ſo that the ſaid* C.D. *is in danger of death thereby. Theſe are therefore in the name of the Keepers,* &c. *to charge and command you, that immediately upon ſight hereof you or one of you do bring the ſaid* A.B. *before me (or ſome other of the Juſtices of the Peace of the ſaid County) to finde ſufficient ſurety as well for his appearance before the Juſtices of the ſaid Keepers at the next generall Gaole-delivery to be holden for this County, then and there to anſwer unto the Premiſes; As alſo that he the ſaid* A.B. *ſhall in the mean time keep the Peace towards the ſaid Keepers and all the people of this Common-wealth, and eſpecially towards the ſaid* C.D. *And hereof faile you not at your perills. Given under my hand & ſeal,* &c. To the Conſtables of *M.* and every of them.

A Warrant to attach the reputed Father of a Baſtard Childe.

*WHereas complaint hath been made to me by* K.L. *of your Town, ſingle-woman, that ſhe is begotten with Childe by one* R.S. *alſo of your Town, Taylor. Theſe are therefore in the name of the Keepers of the Liberty of* England, *to will and require, and alſo to charge and command you preſently upon the receipt hereof, that you attach the body of the ſaid* R.S. *and thereupon to bring him before me (or ſome other Juſtice of the Peace of this County) to finde ſufficient ſurety as well for his appearance at the next generall Seſſions of the Peace to be holden for this County, as alſo for his good behaviour towards the ſaid Keepers of the Liberty of* England, &c. *and all the people of this common-wealth, in the mean time. And hereof fail you not,* &c.

## *A Warrant for a fugitive ſervant.*

*Kent.*

W. I. Eſquier one of the Juſtices of the peace in the County aforeſayd. To the Bayliffe of the hundred of W. and to R. H. Conſtable of M. in the County aforeſayd Greeting. Foraſmuch as A. B. being retayned in the ſervice of C. D. him to ſerve (according to the form of the Statute for Labourers enacted) hath from the ſervice of his ſaid Maſter without any reaſonable cauſe, or licence of the ſaid C. D. departed (as it is informed) Therefore on the behalfe of the ſayd Keepers. I require you and every of you, the ſaid A. B. unto the ſaid C. D. his Maſter him to ſerve you cauſe to be delivered. And if he ſhall refuſe ſo to doe. That then you cauſe the ſayd A. B. unto the Goale at M. to be brought. So that you may have him before mee and my fellow Juſtices of the Peace of the ſayd County, at the next generall Seſſions of the Peace there to be holden, then and there to doe and receive ſuch things as is agreeable to Law and Juſtice. Given. *&c.*

## *A Warrant to ſearch for Sheep-ſtealers.*

WHereas I am informed, That A. B. of C. in this County Yeoman, hath had divers Sheep taken out of his flock at C. aforeſayd, ſome whereof at divers, and ſundry times have been killed, ſlead, and their bodies carried away, leaving their skins behind. Theſe are therefore in the name of the Keepers of the Liberty of *England*, &c. to require you and every of you, to whom it ſhall appertaine upon ſight of this my Warrant, to make diligent

diligent ſearch in all ſuſpected places within the Hundred of N. and elſewhere as you ſhall be adviſed and directed by this Bearer: And upon finding and apprehenſion of the offenders or any of them, to bring them before mee at my houſe at W. to be proceeded with according to Law. And hereof faile you not, *&c.*

## *A Warrant to take a Felon granted in open Seſſions.*

*THe Keepers of the Liberty of* England, *&c. To the Sherriffe of the County of* Eſſex *greeting. We command that you omit not for any liberty, But that you attach the Body of A.B. and C.D. late of E. Labourers. So that you may have them them before ſome of our Juſtices for the conſervation of the Peace, &c. in your County aſſigned, ſo ſoon as they can be taken, to find good and ſufficient ſurety for their good abearing towards us and all the people of this Nation according to the forme of the Statute in that caſe made and provided. And that they do perſonally appeare before our Juſtices of the Peace in your County, at the next generall Seſſions of the Peace to be holden for your County.*

## *A Warrant for Juppreſſing an Alehouſe.*

*Surrey.*

A B. and C. D. Juſtices of the Peace of the ſayd County of *Surrey*, to the Conſtables of E. greeting, whereas we are informed, That I. K. of your Town Victualler is himſelfe a man of evill behaviour, and doth alſo ſuffer evill and diſordered rule in his houſe, contrary to the Lawes and Statutes of this Common wealth; Theſe are

therefore in the name of the Keepers of the liberty of *England*, do will and command you forthwith to repair to the house of the said *I.K.* and to charge him to sur-cease from common selling Ale or Beer at his perill; and withall to cause his Sign (if he have any) to be pulled down: Hereof fail you not, as you and either of you will answer the contrary at your peril. Given under our hands and seales, *&c.*

*A Warrant to take a common Alehouse-keeper who hath no license.*

*Hertff.*

WHereas *A.B.* of *C.* in the County aforesaid, hath of his own authority taken upon him to keep a common Alehouse or tippling house in C. aforesaid, contrary to the Statute in that case made and provided, and still continueth so to do, contemning sundry warnings given him to leave off offending the Law therein. We therefore *H.I.* and *K.L.* Esquires, two of the Justices of the Peace within the said County, do hereby in the name of the Keepers of the liberty of *England*, *&c.* charge and command you the Constable of C. aforesaid, the said *A.B.* to apprehend, take, and convey unto the common Gaole of this County: The Keeper of which Gaole we the said Iustices do hereby in the name of the said Keepers likewise charge and command the said *A.B.* (at your the said Constables hand) to receive, and in custody safely to detain by the space of three daies expired, and him not to enlarge before he hath become bound with two good sureties before us or some other Iustice of the Peace of this County, that he shall not keep any common Alehouse or Tippling house, or use common-selling of Ale or Beer, according to the Proviso

viſo and appointment of the Statute in that caſe made and provided.

*A Warrant for chooſing a new Conſtable.*

WHereas A.B. of your Town being now Conſtable, is by reaſon of his Age and impotency very unable and unſufficient to diſcharge and execute the ſaid place: Theſe are therefore in the name of the Keepers of the liberty of *England*, to will and require you and every of you whoſe names are here under written, to be and perſonally appear before me at my houſe at C. to morrow by eight of the Clock in the morning, that I may make choiſe of one of you to be ſworn, to undertake the ſaid Office and to execute the ſame, and hereof faile you not, *&c.*

*A Warrant for a privie ſearch to the high Conſtables.*

WHereas by an Act of Parliament in the ſeventh yeer of late king of *England*, intituled an Act for the due execution of divers lawes and ſtatutes made againſt Rogues and Vagabonds, and all other lewd and idle perſons; It is provided, that the Iuſtices of the peace of every County within their ſeverall Diviſions ſhall meet together for the execution of the ſaid ſtatute, and that foure or five daies before their meeting they ſhall cauſe the Conſtables of every Hundred to make a general privie ſearch for the apprehending of ſuch lewd people. Theſe are therefore in the name of the keepers of the liberty of *England*, to command you that taking for your aſſiſtance the Conſtables of every Town and ſome other perſons of ſufficiency, you make a private ſearch through your Hundred upon monday at night next, & apprehend

ſuch Rogues and Vagabonds wandring and idle perſons as ſhall be then found, and them cauſe to be forth coming and brought before us and other Juſtices of the Peace at *S.* upon Thurſday morning by eight of the Clock, to receive ſuch order and puniſhment as the Law doth appoint; And that your ſelves do there attend with Certificate of your proceedings, not doubting but you will be carefull to uſe all due care and ſecreſy in this Service: We bid you farewell; Given under our hands and ſeales, *&c.*

## *A Warrant to the high Conſtable to give warning to the Overſeers of every Pariſh to be at the ſitting of the Juſtices.*

FOr the better execution of the Statute provided for the reliefe of the Poor this yeer following. Theſe are in the name of the Keepers, *&c.* to will and require you to give knowledge to the Church-wardens and Overſeers for the poor for this yeer laſt paſt, that two or one of them ſeverally for every Pariſh within your halfe Hundred, do make their perſonall appearance before us, upon Wedneſday the third day of *April* next, by eight a Clock in the forenoon, at *A.* at the houſe of *I.D.* then and there to make good and yeild up their Accounts fair written and ſubſcribed with all their hands, according to former directions after this manner.

Firſt, the names of them that contribute, and what every one giveth.

Secondly, who receiveth reliefe, and what every one is allowed, and what remaineth.

Thirdly ſuch Arrearages as be due from the old Overſeers,

Overſeers, and the Warrant from their yeer. And alſo that they give us in writing the Names and Sur-names of three or foure of the moſt ſubſtantiall Inhabitants in their ſeverall Pariſhes, that we may chuoſe ſome of them to be Overſeers for the Poor of each ſeverall Pariſh for the next yeer, according to the true intent of the ſaid Law.

Furthermore you are to charge all Inne-keepers, Alehouſe-keepers, and Victuallers within your Hundred, to appeare then and there likewiſe before us, and bring their Licenſes with them to renew the ſame. And if any within your ſaid Hundred ſhall victuall without licenſe, you ſhall cauſe them alſo at the time and place aforeſaid to be brought before us to be proceeded with, according to the Statute in that caſe made and provided. And laſtly, that one of you be with us in the furtherance of the ſaid ſervice; whereof we require you not to to faile at your perills, *&c.*

## *A Warrant againſt one for drinking a Health to the King of* Scots.

*THeſe are to will and require you, and in the name of the Keepers of the Liberty of* England, *and ſtraitly to charge and command you preſently upon the ſight hereof to attach the body of* W.B. *of* Dextford *in this County Butcher, who is charged to ſpeak theſe words,* Here is an Health to King Charles; *and him to bring before me, or ſome other of the Juſtices of the Peace of this County, to enter into Recognizance with ſufficient ſureties to be forth coming, to anſwer the Parliament, Councill of State, high Court of Juſtice, or at the next generall Gaol-delivery holden for this County; then and there to anſwer unto ſuch matters as ſhall be objected againſt him on the behalfe of the ſaid Keepers,*

*pers; And hereof faile you not, as you will answer the contrary at your perill. Given under my hand and seal the day,&c.*

## *A Warrant for such as refuse to pay their Assesments.*

FOrasmuch as we are informed, that the persons hereunder named do refuse to contribute or pay the sums of money hereunder mentioned (upon their heads) being assessed and rated upon them severally for and towards the necessary relieſe of the Poor of your Parish, according to the form of the Statute in that behalfe made and provided. Theſe are therefore in the name of the Keepers of the liberty of *England*, *&c.* to charge and command you, and every of you forthwith to levie all and every the said several sums unpaid,& all the Arrerages thereof of all and every the persons so refusing, by distresse & sale of the Offenders Goods, you rendring to the parties the over-plus that shall remain upon the sale of the said Goods: And this shall be your sufficient Warrant, dated, *&c.*

## *A Warrant for removing of a petty Constable, and swearing of another.*

THe Keepers of the liberty of *England*, *&c.* To the Sheriff of *Kent*, and also to the high Constable of the Hundred of *S.* greeting. Forasmuch as *A.B.* and *C.D.* petty Constables of the Town of *F.* in the said County (for certain causes us moving) we have thought good to remove and discharge from the said Office: Wee do therefore require and command you and every of you joyntly and severally, that you cause to sweare in the said Office, *D. E.* and *F. G.* well and faithfully

faithfully to execute the ſaid Office, and that the ſaid *A.B.* and *C.D.* do not any further exerciſe or execute the ſaid Office untill they have further commandment from us; And what you ſhall therein do, you certifie our Juſtices for the conſervation of the Peace in that County, aſſigned at the next generall Seſſions of the Peace for that County to be holden. Witneſſe, *&c.*

## *A Warrant for the good Behaviour granted in the Seſſions.*

WE the *Juſtices for the Conſervation of the Peace within the County of* Stafford, *whoſe Names are ſubſcribed. To the Sheriff of the ſaid County, and to all Mayors, Bayliffs, Conſtables, and all other Officers of the Keepers of the liberty of* England, *and eſpecially to the Conſtable of* G. *greeting. Foraſmuch as at the generall Seſſions of the Peace holden at* S. *within this County, the day of laſt paſt,* E.K. *late of* L *in the ſaid County, Husbandman, ſtandeth indicted for ſhooting at one* I.C. *with a ſtone Bow, and for divers other miſdemeanours. Theſe are therefore in the name of the ſaid Keepers, ſtraitly to command and charge you preſently upon receipt hereof that you apprehend and take the body of the ſaid* E.K. *and him bring before us or ſome other of the Juſtices of the Peace of this County, to finde ſufficient ſurety and main-priſe for his perſonall appearance at the next generall Seſſions of the Peace to be holden for this County, and in the meantime to be of good behaviour towards the ſaid Keepers and all the people of this Common-wealth, and eſpecially towards the ſaid* I.C. *and that he do not depart without licenſe of the ſaid Juſtices; and if he refuſe ſo to do, then to convey him or cauſe him to be conveyed to the common Gaole at* S *there to remain without baile or main-priſe until he willingly do the ſame. Given in open Seſſions, the day, &c.*

*A Warrant*

## *A Warrant from a Juſtice of Peace to fetch a witneſſe to give Evidence.*

FOraſmuch as you are thought to be a fit and neceſſary witneſſe to be examined on the part and behalfe of the Keepers of the Liberty of *England*. Theſe are therefore in the name of the ſaid Keepers, to command you that you be and perſonally appeare before the Juſtices of the Peace, at the next Seſſions of the Peace to be holden for this County, then and there to teſtifie and depoſe your knowledge upon the behalfe of the ſaid Keepers, to and upon ſuch matters as then and there you ſhall be examined of: And hereof faile you not at your uttermoſt perill: Given under my hand and ſeale, *&c.*

## *Another Warrant for a fugitive Servant.*

I. R. one of the Juſtices of the Peace, *&c.* To the Conſtable of the Town of *M.* and to *W.* by the Bailiff Itinerant in the ſaid County, and to every of them, greeting. On the behalfe of the Keepers, *&c.* I require and charge you and every of you, that you or one of you attach *A.B.* of *M.* aforeſaid Weaver. So that you or one of you may have him before me and my fellow Juſtices of the Peace, at the next generall Seſſions of the Peace for the ſaid County to be holden, to anſwer as well to the ſaid Keepers, as alſo to *C.D.* of *M.* aforeſaid, to ſhew cauſe why being retained in the ſervice of the ſaid *C.D.* did from the ſaid ſervice depart before the end of the tearm between them agreed, without any reaſonable cauſe, and the Licenſe of the ſaid *C.D.* in contempt of the ſaid Keepers,

pers, *&c.* and the great damage of the ſaid C.D. and contrary to the form of the Statute in that caſe made and provided; And that you or one of you have there this Precept. Given under my hand and ſeale, *&c.*

## *A Warrant for one refuſing to ſerve.*

*Kent.*

A B. Baronet, one of the Juſtices of the Peace of the ſaid County, to *R.L.* Bayliff of the Hundred of *B.* greeting. On the behalfe of the Keepers of the liberty of *England*, I do will and require you to attach D. of E. in your Hundred Labourer, ſo that you may have him before me and my fellow Juſtices, at the next generall Seſſions of the Peace for the ſaid County to be holden, to anſwer as well to the ſaid Keepers, as alſo to *G.H.* of *B.* aforeſaid, Yeoman; why he being often times required by the ſaid *G.H.* to ſerve him a ſervice fit and agreeable to his Eſtate, hath nevertheles altogether refuſed to ſerve the ſaid *G.H.* in contempt of the ſaid Keepers, and great damage of the ſaid *G.H.* and contrary to the form of the Statute in that caſe made and provided: And that you have here this Precept; Given under my hand and ſeale, the day of *Anno Dom.* 1653.

*But if a man doth ſuſpect that the Peace or good Behaviour will be demanded againſt him, or doth heare that a Warrant to that purpoſe is awarded againſt him, he may go and give ſurety by Recognizance, for the Peace or good Behaviour, before any other Juſtice or Juſtices of the ſame County (as the caſe requires) and*

*may*

*may thereupon have a* Superſedeas, *if for the Peace onely, by one Juſtice; But if it be for the good Behaviour, the ſame is ordinarily granted in open Seſſions, or out of the Seſſions, by two or more Juſtices, and not otherwiſe; which* Superſedeas *for the Peace may be, and commonly is in this form.*

I did before premiſe, that upon a warrant for the Peace and good Behaviour granted out of the Chancery, Upper-bench, or the Juſtices of the Peace, a man might alſo have a *Superſedeas* from either of thoſe Courts, or the Juſtices of the Peace of the County, as the caſe requireth. Let us now ſee how the party that hath it muſt regularly uſe it, which is thus.

*If the Conſtable or any other Officer having a warrant from either of the ſaid Courts or Juſtices of the Peace, do go about to arreſt the perſon againſt whom the warrant is, and the party hath his* Superſedeas *ready to ſhew to the Officer, and doth ſhew and deliver the ſame unto him when he is about to execute the ſame: In this caſe the Officer ought not to meddle with him; for the* Superſedeas *is a diſcharge to the Officer from doing any thing which was required to be done by that warrant; and if the Officer will nevertheles arreſt the party, he may have his Action of falſe Impriſonment againſt him.*

*A* Superſedeas

## *A* Superſedeas *out of the Upper-Bench both for the Peace and good Behaviour.*

THe Keepers of the liberty of *England*, *&c.* To our Juſtices of the Peace in the County of *Worceſter*, and to the Sheriff of the ſaid County, greeting. Foraſmuch as *A.B.* of *C.* in the County aforeſaid, Gentleman, hath found unto us ſufficient ſecurity, that he will perſonally appeare before us in the *Octaves* of *Saint Hillary* next coming, whereſoever we ſhall then be in *England*; And that he will in the mean time as well keep our Peace, as alſo will be of good Behaviour towards us and all the people of this Common-wealth, according to the form of the Statute in that caſe made and provided, as by the Record thereof before us fully appeareth. We do therefore command you and every of you, that from reſtraining or attaching the ſaid *A.B.* or any ſurety of our Peace, or the good Behaviour towards us and all the people of this Common-wealth, or any of the people thereof before you or any of you on this ſide the term aforeſaid to finde, you or ſome of you do ſuperſede, or cauſe to be ſuperſeded: And if for this cauſe and none other you have taken him, and detained him in priſon under your Cuſtody, that then from the ſaid priſon (in which he is detained) if for theſe cauſes and none other he be detained) you do without delay, you or one of you deliver or cauſe to be delivered. Witneſſe *H.R. &c.*

A *Superſedeas*

## *A* Superſedeas *upon releaſe of the Peace out of the Upper-bench.*

THe Keepers of the liberty of *England*, *&c.* To the Juſtices of the Peace of the County of *Middleſex*, and to the Sheriff of the ſame County, greeting. Foraſmuch as *A.B.* and *E.* his wife, have come into the Court of the ſaid Keepers before the ſaid Keepers, and have releaſed the ſurety for the Peace which they deſired againſt *R. F.* and ſo have relinquiſhed them, as by the record thereof before us appeareth. It is commanded that from attaching the ſaid *R. F.* or moleſting him for the ſaid Cauſe; and if for the ſaid cauſe you have taken him, and in the Priſon of the ſaid Keepers under your Cuſtody you have detained him; that then the ſaid *R.* from the Priſon in which he is ſo detained, without delay you cauſe to be delivered: And thereof fail not, *&c.*

## *A perpetuall* Superſedeas *for the Peace upon baile.*

THe Keepers of the liberty of *England*, *&c.* To the Juſtices of the Peace, *&c.* Foraſmuch as *A.B.* in your County, Yeoman, and *C.* his wife, came into our Court before us at *Weſtminſter*, on Tueſday next after one Month after *Michaelmas*, and then and there did finde unto us ſufficient ſecurity, as well for himſelfe as the ſaid *C.* his wife, that they from thenceforth would keep the Peace towards us, and all the people of this Commonwealth of *England*, as in our Court before us upon record

record it fully appeareth. We do therefore command that from compelling and impriſoning the ſaid *A.* and his wife or either of them, any ſecurity for the Peace towards us, and all the people of this Common-wealth, before you or any of you again to finde, you do ſuperſede or cauſe to be ſuperſeded; And if, *&c.* that then you or one of you do immediately cauſe them out of ſuch Priſon in which they or either of them are detained, to deliver or cauſe to be delivered, *&c.*

## *A* Superſedeas *for the Peace out of the Chancery.*

THe Keepers of the liberty of *England*, *&c.* to the Conſervators of the Peace, and to the Juſtices, to heare and determine divers Felonies, *&c.* in the County of *S.* aſſigned, and to the Sheriff of the ſaid County, and to every of them, greeting. Whereas *A.B.* hath found unto us ſufficient ſurety, that he will from henceforth keep the Peace towards us, and all the people of this Comn on-wealth, as by our writ of *Superſedeas* iſſuing out of our Court of Chancery, and among the Records of that terme filed in our Court before us doth fully upon Record appear. We do therefore command you, and every of you, that from compelling and attaching the ſaid *A. B.* to give further ſecurity for keeping the peace towards us and all the people of this Common-wealth, or any of them you do ſuperſede, or cauſe to be wholly ſuperſeded; and if for this cauſe and none other you have taken the ſayd *A.B.* and in our Priſon under your cuſtody have detained him, that then from the ſayd Priſon, if upon that occaſion, and not elſewhere he be detained in the ſame, you

or

or one of you, do deliver or cauſe to be delivered. Witneſſe *H. R.* at *Weſtminſter*, *&c.*

*To the Juſtices of the Peace, &c. of S and to the Sheriff of the ſame County.*

## *A Superſedeas for the Peace.*

*Kent.*

W. I. one of the Iuſtices of the peace in the County of *Kent*. To the Sheriff, Bayliffs, Conſtables, Boſholders, and all other Miniſters of the keepers of the liberty of *England*, ſendeth greeting. Foraſmuch as A. B. of C. in the ſaid County, hath perſonally appeared before me at *W. &c.* and hath found ſufficient ſurety; that is to ſay, D. E. and F. G. Yeomen, either of which hath undertaken for the ſaid A. B. under the pain of 40 s. that he the ſaid A. B. ſhall keep the peace towards the ſaid keepers and all other the people of the Common-wealth of *England*, and eſpecially againſt H. I. of L. Yeoman, and that he ſhall perſonally appeare before the Iuſtices of the peace of the ſaid County, at the next generall Seſſions of the peace to be holden at *Maydſtone*. Therefore on the behalfe of the ſaid keepers, I require and command you and every of you that you do altogether forbeare to arreſt or impriſon him, or otherwiſe by any meanes to moleſt him for the ſaid occaſion: And if you have (for the ſame occaſion and none other) taken or impriſoned him, that then you do cauſe him to be delivered and ſet at liberty without further delay. Given at *W.* aforeſaid, under my hand and ſeale, *&c.*

And

And in like manner upon good ſurety taken by two Juſtices of the Peace, a *Superſedeas* may be granted for the good behaviour, *Mutatis mutandis.*

## *But for a Writ of* Supplicavit *for the Peace, the* Superſedeas *muſt be in this forme:* viz.

*Surr. ſſ.*

*Ambroſe Browne* Baronet, one of the Juſtices of the ſayd County to the Sheriffe of the ſayd County and to all and ſingular Bayliffs, and other Miniſters aſwell within the Liberties of the ſayd County as without, ſendeth greeting. Whereas I have received a Writ of the Keepers of the Liberty of *England* by authority of Parliament in theſe words. *The Keepers, &c.* (reciting all the Writt, word for word) Foraſmuch as C. D. of *&c.* and E. F. of *&c.* and the ſayd A. B. (being the perſon againſt whom the Writt of *Supplicavit* was granted) have perſonally appeared before mee the ſayd *Ambroſe Browne*: And the ſayd A. B. hath acknowledged to owe to the ſayd Keepers forty pounds, and each of the ſayd Manucaptors have acknowledged to owe to the ſaid Keepers twenty pounds to be levied upon their Lands and Tenements, Goods and Chattells, to the uſe of the ſaid Keepers, *viz.* That the ſayd A. B. no damage or ill ſhall do or procure to be done to any of the people of this Common weale in their Bodies, or burning of their houſes, and eſpecially to T. R. Therefore on the behalfe of the ſayd Keepers, *&c.* I require you and every of you, to forbeare and ſurceaſe to Arreſt or attach the ſayd A. B. to find any ſuerty for the keeping of the peace towards the ſaid Keepers, *&c.* and people aforeſaid or any of them.

And if for this Cauſe (and none other) you have taken, or given Commandement to be taken the ſaid A. B. and in the priſon of the ſaid Keepers under your Cuſtody. That then from ſuch Priſon in which he is detteyned, you or one of you do without delay deliver or cauſe to be delivered. Witneſſe mee the ſayd *Am. B.* the day, *&c.*

*And in like manner upon good Suerties taken by Two Juſtices of the Peace or more, may a Superſedeas be granted upon a* Supplicavit *for the good behaviour.*

## *The forme of the Recognizance to be taken upon granting of* Superſedeas *for the Peace.*

*Midd.*

MEmorandum, That the tenth of *Auguſt* in the yeare of our Lord God, 1652. A. B. of C. in the County aforeſayd, came before mee W. R. Knight, one of the Juſtices of the ſayd County for conſervation of the peace aſſigned; And the ſayd A. B. did aſſume for himſelfe in the ſumme of twenty pounds of lawfull money of *England*, and D. E. of F. in the ſayd County Yeoman, and H. D. of F. aforeſayd Husbandman, became bound for the ſayd A. B. either of them ten pounds a peece of like lawfull money of *England*, under the condition, that the ſayd A. B. ſhall perſonally appeare at the next generall *Seſſions* of the Peace to be holden for the ſayd County. And that in the meane time he ſhall keep the peace towards the ſayd Keepers, and all other people of this Com-

mon

mon wealth of *England*, and cheifly againſt *L. M.* Which ſeverall ſummes of money, every of them hath acknowledged to owe to the Keepers of the Liberty of *England*, to be levied upon their and every of their Lands and Tenements, Goods and Chattells. If the ſayd A, B. ſhall in any of the premiſſes make default.

*And if for the good behaviour thus.*

MEmorandum—(*as in the former*) *which ſeverall ſummes of money, every of them hath acknowledged, &c. if the ſaid A. B. ſhall not perſonally appeare at the next generall Seſſions of the Peace for the County aforeſayd to be holden, and in the meane time ſhall not be of good behaviour towards the ſaid Keepers, &c. and all other the people of this Common wealth, according to the forme of the Statute, &c.*

*Of which Recognizance, and others of like nature, if a Writ of* Certiorari *be prayed, it is thus made.*

THe Keepers, *&c.* To the Juſtices of the Peace in the County of *Wilts* greeting. Our will being for certaine cauſes certaine Recognizances which A. B. and C. in your County before you acknowledged (as it is ſaid) before us, by you to be ſent, Wee command you that the ſayd Recognizances with all things thereunto belonging, as fully and intirely as they were by you lately taken, and in your Cuſtody now remaine (as it is ſayd) before us under the Seales of you, or one of you in the Octaves of Holy Trinity next comming whereſo-

ever we ſhall be in *England*, you or one of you do ſend together with this writ, that we may further do therein as of right and according to the cuſtome of the Common-wealth of *England* ſhall be meet to be done. Witneſſe *H.R.* at *Weſtminſter*, the day of 1950.

## *A* Certiorari *of a Recognizance under a pain.*

THe Keepers, *&c.* To the Iuſtices of the Peace of the County of *Wilts*, *&c.* greeting. Our will being for certain cauſes that all and ſingular Recognizanees for the ſurety of the Peace, and all other Recognizances whatſoever, which *A.B.* and *C.* have lately before you acknowledged (as is ſaid) before us to be ſent: We command you and every of you as we have otherwiſe commanded you, all and ſingular the ſaid Recognizances with all things touching the ſame, as fully and entirely as the ſame were before you taken, and do now remain in your cuſtody (as it is ſaid) before us on the morrow after *All-ſoules*, whereſoever we ſhall be, *&c.* that we may further do therein, *&c.* as of right, *&c.* is to be done; or elſe to ſhew cauſe why our commandment otherwiſe to you directed, you did not or could not execute. Witneſſe, *&c.*

We have brought ſuch Felons and other Offenders as have been attached by the Warrants before pecified, granted by the Iuſtices, or otherwiſe, beore the ſaid Iuſtices.

It doth follow in the next place that we ſee what is done with ſuch of them as cannot, or will not give ſecurity for their appearance at the generall Seſſions of the Peace or Gaole-delivery (as the caſe

caſe requireth) which can be no other then ſending them to the Gaole till they ſhall be thence delivered by courſe of Law; which is by a Precept commonly called a *Mittimus*, ſo called, for the word *we do ſend* is alwaies uſed in that Precept, whereof I have thought good to ſet down ſome Precedents.

## MITTIMUS.

### *To the Keeper of the Gaole of the ſaid County.*

*Kent.*

WEe ſend you herewithall the body of *A. Aſhly, alias Cobler* and *A. M.* brought before us this preſent day, and charged with the Felonious uſing and practiſing of Witchcraft upon the bodies of a female Infant Childe of *A.O.* and of a Daughter of *R.W.* which Witchcraft the ſaid *A.Aſhly* and *A.M.* have both confeſſed before us. We alſo ſend you herewithall the bodies of *M.W.* widow, and *A.W.* widow, both likewiſe brought before us this preſent day, and charged with the Felony and Witchcraft aforeſaid: We ſend you likewiſe herewithall the body of *T.G.* brought before us this preſent day, and charged with the Felonious conſulting with and rewarding of an evill Spirit; Commanding you in the name of the Keepers of the Liberty of *England* by authority of Parliament, to receive the ſaid *A.Aſhly, alias Cobler*, A.M. M.W. A.W. and T. G. into the ſaid Gaole, and them there ſafely to keep untill they ſhall be from thence delivered by due order of Law: Hereof faile you not at your perill; Given under our hands and ſeales at C. the day and yeer, *&c.*

## *To the Keepers of the Goale at* M.

K. ſſ.

I Send you herewithall the Body of E. L. of W. Husbandman, who was this day brought before mee and charged by T. H. of *Clare* Hall in *Cambridge* Gent. with Robbing him on Friday laſt, on *Shoqters* Hill, and taking from his Perſon ten ſhillings, the which he hath upon his examination confeſſed: you are therefore commanded to receive into your Goale, the Body of the ſaid E. L. and him ſafely to keep, untill he ſhall from thence be delivered by Law. Hereof faile you not, *&c.*

## *To the Keeper of the Goale at* C.

Eſſex.

*I Doe herewith ſend you the Body of R. H. who ſtands charged upon ſuſpition of ſtealing ſix Oxen, being the Goods and Chattells of Sir I. E. Knight, willing and requiring you to receive him into your ſaid Goale, and him ſafely to keep untill he ſhall be delivered by due courſe of Law, for which this ſhall be your warrant, &c.*

## *To the Keeper of the Caſtle of* York *being the Common Goale for this County.*

*York.*

FOr aſmuch as A. B. of C. in the ſayd County, was proved before mee to be a contentious Perſon, and a continuall diſturber of his Neighbours, to the great greivance of the Inhabitants of the ſaid

Towne

Towne of C. and in respect thereof, hath been required to find suerty for his good behaviour which he hath refused to do. These therefore are in the name of the Keepers of the Liberty, *&c.* straightly to charge and command you, that presently upon receit hereof, you receive into your custody the Body of the sayd A. B. and him not to deliver untill he shall finde sufficient surety for his good behaviour; And appearance at the next generall Sessions to be holden for the said County. And hereof faile you not, *&c.*

*Salop.*

H. B. one of the Iustices of the Peace, *&c.* in the sayd County of *Salop* to the Keeper of the Goale of the said County, or to his Deputy there greeting: These are in the name of the Keepers of the Liberty of *England*, *&c.* to charge and command you, that you receive into your sayd Goale the Body of A. B. late of C. in the sayd County Labourer, taken by D. E. and I. G. Constables of the Town of H. and by them brought before mee for suspition of Felony, *&c.* And that you safely keep the sayd A. B. in your sayd Gaole, untill the next Generall Gaole Delivery for the sayd County, if he be not Bayleable, untill he shall thence be delivered by due order of Law. And hereof faile you not, *&c.*

## *A* Mittimus *for an Alehouſe-keeper formerly ſuppreſſed.*

*Staff.*

W. D. and *M.C.* two of the Juſtices of the Peace of the ſaid County: To the Keeper of the Gaole at *S.* greeting. Whereas *I.N.* of *O.* in the ſaid County, upon complaint made unto us of the evil rule kept & ſuffered by him in his houſe, and other mildemeanours by warrant under both our hands and ſeales was diſcharged of his Alehouſe-keeping, and was by us commanded that he ſhould thenceforth uſe no more the common ſelling Ale or Beer. And whereas we are certainly informed that the ſaid *I.N.* notwithſtanding our order and commandment given him to the contrary (as aforeſaid) hath ever ſince obſtinately and upon his own authority taken upon him to uſe commonly ſelling of Ale and Beer, and ſtill continueth the ſame. We do therefore ſend you herewithall the body of the ſaid *I.N.* commanding you in the name of the Keepers of the Liberty of *England* to receive him into your ſaid Gaole, and there ſafely to keep him untill ſuch time as he ſhall be thence delivered by due order of Law. And hereof faile you not, *&c.*

## *A* Mittimus *to the houſe of Correction for a dangerous Rogue.*

*Suff.*

A. B. and *C.D.* Eſquires, two of the Juſtices of the Peace of the County of *Suff.* aforeſaid: To the Maſter or the Covernour of the houſe of Correction

Correction at *B.* or to his Deputy there, greeting: Whereas *I.S.* a ſturdy vagrant Begger was this day of *May*, in the yeer of our Lord God 1650. brought before us, and charged as well with begging and idle wandring abroad, as alſo with other lewd and diſorderly behaviour; ſo as he appeareth to us to be dangerous to the inferiour ſort of people, contrary to the Lawes of this Nation in ſuch behalfe provided. Theſe are therefore to will and require you to receive the ſaid *I.S.* and him ſafely keep in your ſaid houſe untill the next quarter Seſſions to be holden in the ſaid County: And during all ſuch time as he ſhall continue with you that you hold him to work and labour, and to puniſh him by putting Fetters & Gives upon him, and by moderate whipping him, as in good diſcretion you ſhall ſee cauſe, yeilding him for his maintenance onely ſo much as he ſhall deſerve or earn by his labour and work; and that at the next quarter Seſſions you have the ſaid *I.S.* there together with this Precept, *&c.*

*Cant.*

I Have ſent you herewithall the body of *E.C.* of *G.* in the ſaid County of *C.* being an idle diſſolute and diſorderly fellow, and one that will not keep in ſervice, nor follow any honeſt courſe of life. Theſe are therefore to will and require you to receive the ſaid *E.C.* and him ſafely to keep, untill he ſhall be from thence delivered by warrant from my ſelfe or ſome other of the Juſtices of the Peace of the ſaid County, and in the mean time to hold him to work, *&c.* as before.

A *Mittimus*

## *A* Mittimus *for ſuch as hold Land forcee.*

*Cantr.*

I C. Knight, one of the Juſtices of the Peace within the ſaid County of *Cantr.* to the Keeper of the Gaole at, *&c.* and to his Deputy or Deputies and to every of them, greeting. Whereas upon complaint made unto me this preſent day by *A.B.* of *W.* in the ſaid County, Yeoman; I went immediately to the houſe of the ſaid *A.B.* in *W.* aforeſaid, and there found *C.D. E.F.* and *G.H.* of aforeſaid Labourers, forceably with ſtrong hand and armed power, holding the ſaid houſe againſt the Peace of the Keepers of the Liberty of *England*, and againſt the form of the Statute of Parliament thereof made, in the fifteenth yeer of King *Rich*:2. Therefore I ſend you (by the bringers hereof) the bodies of the ſaid *C.D. E.F.* and *G.H.* convicted of the ſaid forcible holding by mine own view, teſtimony, and Record, commanding you in the name of the Keepers of the Liberty, *&c.* to receive them into your ſaid Gaole, and there ſafely to keep them untill ſuch time as they ſhall make their Fines to the ſaid Keepers for their ſaid Treſpaſſes, and ſhall be thence delivered by the order of the Law of the Land. And hereof faile you not *&c.* Given, *&c.*

*A* Mittimus

## *A* Mittimus *to the house of Correction, of the Mother of a Baſtard Childe.*

*Cantr.*

WEe have ſent you herewithall the body of *I.C.* of *W.* in the ſaid County, ſingle-woman, being lately delivered of a Baſtard Childe, and like to be chargeable to the Pariſh of *W.* aforeſaid: And for that the ſaid *I.C.* is able to labour, and that thereby ſhe may the better relieve her ſelf and her ſaid Childe. Theſe are therefore to will and require you to receive the ſaid *I.C.* into your houſe, there to be puniſhed and ſet on work during the tearm of one whole yeer, according to the Statute in that caſe provided, *&c.*

## *A* Mittimus *of a reputed Father of a Baſtard Childe.*

I ſend you herewithall the body of *R.C.* of *B.* in the County of *C.* Labourer, brought before me this day, and charged by *F.S.* of the ſame Town, ſingle-woman, to have gotten her with Childe; And for that the ſaid *R.* refuſeth to put in ſecurity for his appearance at the next quarter Seſſions, and to the end he may be forth coming, when as order ſhall be taken for the relief and diſcharging of the ſaid Town of *B.* and for the keeping of the ſaid Childe (when it ſhall happen to be born) according to the Statute in that caſe provided. Theſe are therefore in the name of the Keepers of the Liberty of *England*, *&c.* and on their behalfe to charge and command you, that immediately you receive

the

the ſaid *R. C.* and him ſafely to keep in your ſaid Gaole, untill ſuch time as he ſhall be from thence delivered by order of Law: And hereof faile you not, *&c.*

*I have beſtowed ſomewhat the more paines about theſe laſt Precedents for* Mittimus, *for that I underſtand that many are of late come into the Commiſſion of the Peace, who have not been much verſed in the practicall part of that Office, who may have ſome help by this which is but a pocket Book, and ſerve them, or (at leaſt) their Clerks upon any emergent occaſion.*

*And now when any perſon is brought by* Mittimus *to the Gaole, the Goale muſt receive him; but if he be brought by any other perſon then a Conſtable without a* Mittimus *from a Juſtice of the Peace, he is not bound to receive him, and muſt therefore be carried back to the place where he was taken untill a* Mittimus *be made.*

## *Tryals of Felons.*

WEe have now the Priſoners who did not, could not, or would not give baile for their appearance at the Gaole delivery or generall Seſſions of the Peace, faſt enough; and unleſſe the others who were bayled will forfeit their Recognizances; we ſhall have them alſo ready at the Bar to receive their tryall if the Bills againſt them be found true by the Grand Jury; but if that the Jury finde

finde *Ignoramus*, then at the end of the Aſſiſe or Seſſions the party ſhall be acquitted by Proclamation and diſcharged, unleſſe it fall out that the Iuſtices of the Gaole-delivery or of the Peace at the Seſſions, ſhall finde cauſe to continue him longer in priſon, as being a perſon of evill behaviour and dangerous to be ſet at liberty, untill he ſhall give ſecurity for his good abearing. And in like manner it is when a Felon being arraigned is acquitted upon his Tryall by the Iury of life and death, he may by the diſcretion of the Iuſtices of the Gaole-delivery, or of the Peace, be continued in priſon for ſometime, as aforeſaid.

And ſuch priſoners againſt whom ſuch Bills are found to be true (and ſo endorced on the back theerof) being brought to the Bar and arraigned, the Indictment being openly read unto them muſt plead thereunto, and either confeſſe the matter in the Indictment, or plead *not guilty*. If he confeſſe the Indictment, the Clerk of the Aſſiſe if it be there, or the Clerk of the Peace (if it be at the quarter Seſſions) doth record the confeſſion, and then the Iury is not charged with him; But if he plead *not guilty* then the Iury is to heare the Evidence, and give their Verdict accordingly: And if the Offence be within Clergy, the priſoner may pray the benefit thereof, and ſhall be burned in the hand if he do read, the judgment whereof reſts in the breſt of the Ordinary: For though the priſoner cannot read, and the Iudge know ſo much, and would not allow of his reading being by prompting or otherwiſe, yet if he do but utter any words which may ſeem to be the words of the Pſalme (which is commonly the Pſalme of mercy, and for the moſt part learned to rott without right pronouncing of the words, yet

if

if the ordinary say that he readeth like a Clerk, though the Judge do fine the Ordinary for the falſe information of the Court, yet the priſoner ſhall have the benefit of his Clergy, as ſome ſay, and be burned in the hand; and if the Offence be Felony with an *F.* but if a Rogue be convicted for being ſuch, he ſhall be burned in the ſhoulder with the letter *R.*

At an Aſſiſe in the County of *Salop*, in the time of Queen *Elizabeth*, two ſervants of a Gentleman in that Country (whereof one was his Clerk (the Gentleman being a Juſtice of the Peace) the other the Groom of his Stable, were arraigned for the death of a Gentleman. The Indictment was drawn for wilfull murther, and was proſecuted with much violence by the Mother of him that was ſlain, and ſo found by the Grand Jury: Nevertheles upon their tryall the Jury for life and death found them guilty of Mans-ſlaughter, onely for which they prayed their Clergy which was granted unto them. The Clerk when he came to read could not read one word, and the Ordinary was ſo watcht that he could not help him; yet the Judge in favour of the priſoner (who ſeem'd a civill man and much pitied) gave him further time (thinking perhaps that his eyes were dazled, or his heart daunted) willing to ſave his life: In the meane time the Groom who did not know one letter in the Croſſe-Row, more than what he was taught by his fellow while they were together in the Goale did read, and was ſaved; and the other coming the ſecond time to read could not, and was hanged.

*This Story I have inſerted as having ſome relation to the matter in hand, but more to ſhew the Judgments of God, which though ſecret and to us unknown, are alwaies juſt and holy; and rather to be admired with Humility then ſearched into with Curioſity.*

But if the perſon be contumacious, or thinking to ſave his Eſtate will ſtand mute, and not plead to the Indictment, nor put himſelfe upon the Country, he ſhall have preſent Judgment (unleſſe the Court in mercy give him ſome further time to conſider of his condition) to ſuffer *peine dure & fort*, according to the language of the Law, and in engliſh *a pain hard and ſtrong*. And indeed ſo it is if it were put in execution according to the letter of the Law, by which a ſad and grievous puniſhment; and yet it were well if the Soule which is immortall ſhould have no ſhare therein. For it is dangerous if not a deſperate thing for a man to expoſe himſelfe to ſuch a certain miſery and puniſhment of the body, and ſo dangerous and uncertain hazard of his Soule, to avoid that which perhaps would not befall him (unleſſe the caſe were ſo plain and evident that no defence could be made) whereas it might ſo fall out, that either the Evidence would not prove ſuch as might certainly convince him, or the Jury might favour him if they could finde any reaſonable meanes to do it, or the Judge might be more merciſull unto him then he was to himſelfe; howſoever I conceive it moſt ſafe for his Soule to put himſelfe upon God and the Country, where it is to be preſumed he ſhall have Juſtice, it may be upon ſome circumſtances favour.

If the Indictment be for Goods ſtollen under the value of twelve pence, or if the Jury do value them

them under twelve pence, which in Law language is called *petty Larceny*, in this case the prisoner is judged to be whipt, and the body to be stript down to the Waste, and whipt untill he be bloody.

*By that which hath been already said, it doth appeare that there be divers Offences against the Peace tending to the breach thereof, which are here before set down; and many more there be, which for brevity sake I have omitted: which be comprehended briefly under the heads of* Treasons, Felonies, *and* Trespasses, *or* Misdemeanours; *for some of which Felonies the Prisoner may by Law have his Clergie (as I have before shewed) and for some others he cannot have the benefit thereof. But because there are so many which may claim that benefit, I will mention those Offences for which the Offender cannot have it, which be these which follow.*

FIrst, no woman can have the benefit of Clergy, because no woman is in capacity to be a Priest, which men that could read had allowed them, because they possibly might be such, for which consideration that favour was granted unto men.

Howbeit by an Act of Parliament holden at *Westminster*, in the one and twentieth yeer of *James* late King of *England*, shewing, That whereas by the Lawes of this Realm, the benefit of Clergy was not allowed unto women convicted of Felony,

ny, by reaſon whereof many women did ſuffer death for ſmall offences. It was enacted; That any woman being lawfully convicted by her confeſſion, or by the verdict of twelve men, of or for the felonious taking of any money, Goods or Chattells, above the value of twelve pence, and under the value of ten ſhillings, or as acceſſary to any ſuch offence, being no Burglary, nor Robbery, in or neere the High way, nor the felonious taking of any money, Goods or Chattells from the perſon of any man or woman privily without his or their knowledge, but only ſuch offence as in the like Caſe, a man might have his Clergy, ſhall for the firſt offence be branded and marked in the hand upon the brawn of the left Thumb, with a hot burning Iron, having a Roman T. upon the ſaid Iron, the ſaid marke to be made by the Jaylor openly in the Court before the Judge, with ſuch further puniſhment by impriſonment, whipping or ſending to the houſe of Correction, in ſuch ſort and forme, and for ſo long time (not exceeding one whole yeare) as the Judge or Juſtices before whom ſhe ſhall be ſo convicted, ſhall in their diſcretion think meet according to the quality of the offence, and then to be delivered out of Priſon for that offence.

## *Felonies Without Clergy.*

WHoſoever ſhall receive, relieve or mayntaine a Jeſuite (being at liberty) and knowing him to be ſuch, is a Felon without Clergy.

All ſuch as are convicted of Petty Treaſon, or as Acceſſaries before the committing thereof are barred from the benefit thereof.

### *So are all Convicted of Burglary, and the acceſſaries before the Felony committed.*

All Robbers upon the highway, all Cutpurſes and Pickpoquets, all ſtealers of Horſes and Mares before, or acceſſaries before of after the fact. All convicted of willfull Murder by perſon or otherwiſe, and ſuch as were acceſſaries before the fact, which in Law are principalls. All ſuch as are convicted for burning of Houſes, or Barnes with Corn, and the acceſſaries before the fact.

The Raviſhers of any Woman againſt her will, or the unlawfull carnall knowledge of any Woman child under the age of ten years, and the abetter of any Raviſher being preſent, and aiding to the ſayd Raviſhment.

The takers away of any Maid, Widdow or Wife, having Lands, or being Heire apparent to her Anceſtor by the Statute of 39. *Eliz. ca.* 9.

All ſuch men as ſhall Marry another VVife, the former being living. And all ſuch women as ſhall marry another Husband, except where the Husband or VVife have been abſent ſeaven years, and the one not knowing the other to be living, or in caſe

caſe of divorſe, or mariage before years of conſent. *Stat.* 1. *Jacobi. cap.* 11.

All ſuch as ſhall ſtab, ſtrike, or thruſt another, that hath not a weapon drawn, or hath not then ſtricken the other, and if the party ſo ſtabbed, ſtroken or thruſt, &c. ſhall dye thereof, within ſix Moneths after, though it cannot be proved, that it was done of malice forethought, yet being thereof lawfully convicted, ſhall ſuffer death. A wilfull murtherer without benefit of Clergy. *per Statute* 1. *Jacobi.*

No perſon convicted for taking away, againſt their wills, any Subject in the Counties of *Cumberland, Weſtmorland, Northumberland*, or the *Biſhoprick of Durham*, and carrying them away to make a Prey of them, or to be ayding or aſſenting thereunto. Or ſhall burne any ſtack of Corne there, or ſhall be aiding or aſſiſting thereunto, by the *Stat.* 34. *Eliz.*

Popiſh Recuſants, or any other Recuſants, and other Sectaries, which by the Statute of 35. *Eliz.* are to abjure, if they ſhall refuſe to abjure, or after abjuration ſhall not depart the Realme at the time appointed, or after ſuch departure ſhall returne without Licence of the King. For though he might have the benefit of Clergy for the Felony, yet not for the contempt, till he purchaſe his pardon.

Such Soldiers, Mariners, and all other idle perſons wandring as Soldiers or Mariners, which wander up and downe idly and begging.

Such Souldiers or Mariners as have not a lawfull teſtimoniall from ſome one Juſtice of the Peace neare the place of his Landing, or ſet not down the place of his Landing, and the place to which he is to paſſe.

Or having a Teſtimonial, if they ſhall willfully exceed the time therein limited.

Or if they ſhall forge or counterfeit any ſuch Teſtimoniall, or ſhall have have any ſuch forged Teſtimoniall, knowing the ſame to be forged.

Or being retayned in ſervice, he ſhall depart within a year without his Maſters Licence—— ſhall be reputed Felons without the benefit of Clergy.

So are all ſuch as commit the horrible ſinne of Buggery, either with mankind or beaſt.

So are ſuch as are convicted of Conjuration, or invocation of an evill ſpirit for any intent whatſoever.

So are ſuch as the ſecond time practiſe VVitchcraft, *&c.* thereby to declare where any Treaſure may be found.

Or where any Goods loſt or ſtolne may be found.

Or whereby any Goods or Cattell ſhall be deſtroyed or impaired.

Or with intent to provoke any perſon to love.

Or to the intent to hurt any perſon in their body though it be not effected, ſelony without Clergy. Nor any perſon that is arraigned, convicted and attaynted, or refuſeth lawfull tryall in a county where he was taken with the manner, &c—— 25. *H.* 8. & 5. *Ed.* 6.

Nor any which being once convicted or condemned of any of the offences prohibited by the Statute of 5. *Eliz.* againſt the forging of evidences and writings, by any of the wayes in the ſaid Statute limited, and ſhall after ſuch condemnation commit any of the ſaid offences in forme in the Statute expreſſed.

Nor

Nor any perſon of the age of fourteene yeares, or above, calling himſelfe an Egyptian, or being in company with them, *&c.* for the ſpace of one Month 1.2. *Ph. & Ma.*

Nor any perſon that ſhall felonioufly take the Goods out of any Church or Chappell.

Nor any perſon which ſhall robbe any perſon in a Tent or Booth in any Faire or Market, the owner, his Wife, Children, or Servants being within the ſame Booth or Tent, whether they then, and there being ſhall be ſleeping or waking.

Nor any perſon that ſhall be lawfully convicted for the Felonious taking away in the day time any money, goods or Cattell being of the value of five ſhillings or upwards in any dwelling houſe, or Out houſe, *&c.* uſed with any dwelling houſe, although there ſhall be then no perſon in the ſaid houſe, &c.

Nor any that ſhall receive, relieve, *&c.* any Jeſuite, Seminary Prieſt or other Prieſt, ordayned or made by any authority derived from the Sea of *Rome*, being at liberty, and knowing him to be ſuch, *&c.*

Nor any man or woman that upon confeſſion, or by verdict upon Indictment or preſentment, ſhall be convicted of inceſt, the kindes whereof are ſpecified in the Act of Parliament of the tenth of *May* 1650.

Nor any man or woman in like manner convicted of Adultery under the Proviſoes contained in the ſame Act.

Nor any perſon who hath once for any offence had the benefit of his Clergy, and ſhall after be arraigned of any ſuch offence.

*Before the Statute of* 25. Ed. ca. 5. *if a man were indicted of ſeverall Felonies, and had his Clergy for one, the Juſtices would not deliver him to the ordinary, but remand him to Priſon, till he were arraigned upon their other Indictments, which arraignment ſhould be when the Juſtices would appoint, for remedy whereof that Statute was made, which willeth that he ſhall preſently be arraigned for al, or elſe delivered to the* Ordinary, *which Statute is confirmed* 18. Eliz. *yet the Juſtices before whom ſuch Clergy ſhall be allowed, may for their further Correction detayne them for any time, leſſe then a yeare, in Priſon.* 18. Eliz.

If a man be indicted or appealed of Felony, and upon his araignment confeſſe; It is, ſaith the learner *Stamford lib.* 2. *fol.* 142. in the Pleas of the Crowne, the beſt and ſureſt anſwer he can make, to quiet the conſcience of the Judge, and to make a good and firme condempnation, if the ſaid Confeſſion proceed not of *feare, menace or Dures*; which if he did, and the Judge perceive it, he ought not to take or record the confeſſion, but cauſe him to plead *not Guilty*, and put it upon the Jury to try it.

In all other Caſes of Felony, unleſſe ſuch as ſhall ſtand willfully or of malice mute, *&c.* may have the benefit of Clergy once, but not oftner.

*Felons*

## *Felons without Clergy.*

ALL ſuch as are convicted upon their contumacy, and refuſing to plead to their Indictments, ſhall be preſt to death, and that *hard* and *ſtrong paine* which I have before mentioned.

All ſuch as are indicted of petty Larceny (which I have before defined) are to be whipt on their bare Bodies from their ſhoulders to the waſt, till they be all bloudy, and receive ſuch other puniſhment by impriſonment, or otherwiſe as the Court ſhall think meet.

All ſuch Rogues which ſhall be thought dangerous, and thereupon committed to Priſon, and indicted upon the Statute 39. *Eliz.* and thereon convicted, ſhall be branded in the left ſhoulder, with an hot burning Iron, of the breadth of an Engliſh ſhilling, with a great *Roman* R. upon the Iron, and the branding upon the ſhoulder to be ſo throughly burned, and ſet upon the skin and fleſh, that the Letter R. be ſeen and remaine for a perpetuall mark upon ſuch Rogue, during his or her life. And if after ſuch puniſhment ſhall offend in begging, &c. contrary to the ſaid Statute, the partie ſo offending, ſhall be Judged a Felon, and ſhall ſuffer as in Caſes of Felony without the benefit of Clergy.

## *Puniſhment of Felons and Traytors.*

HAving ſeen the puniſhment upon the perſon of the Offendors, let us in the next places place, what puniſhment falls upon their poſte-

rity, by reaſon of any forfeiture which they ſhall make by reaſon of their offences, and their convictions thereupon.

In Caſe of High Treaſon, the offender being thereof lawfully convicted, ſhall forfeit all ſuch Lands and Tenements, which he had in his own right in uſe or poſſeſſion, at the time of the Treaſon committed, or at any time ſince—5. *Ed.* 6. *Ca.* 11.

In Caſe of Felony, the King ſhall have the Goods of all Felons as are condemned whereſoever they be found; And if they have any freehold, it ſhall be forthwith ſeiſed into the Kings hands, who ſhall receive the profits thereof, by the ſpace of a yeare and day, and the Land ſhall be waſted and deſtroyed, and after the King hath had the yeare day and waſt, the Land ſhall be reſtored to the Chiefe Lord of the Fee, *&c.*

But the Jury for life and death being to enquire (if they find the Priſoners guilty of the offence of which they be indicted) what Lands or Tenements, Goods or Chattells, they had at the time of the offence committed, or at any time ſince if they do not find that they had any; Then (as ſome do conceive) there can be no ſeiſure, till ſuch time as a Writ of inquiry be awarded to the Sheriffe, by the Oath of good and lawfull men of the County, to find what Lands and Goods he had at the time of the offence committed, or ſince, which being found and returned, ſeiſure may be made, *&c.* and in the time before conviction the Priſoner is to have reaſonable maintenance out of his Eſtate, for him and his family, and ſome ſay he ſhall forfeit his Goods from the time of the Attaynder only. And in caſe of a *felo de ſe* (where is no conviction by tryall) there is ordinarily a Writ dire-

cted

&ted to the Sheriffe of the County, to enquire whether the partie were *Felo de ſe*, and if he were, then to enquire what Goods and Chattells he had at the time of his death, which Writt ſhall iſſue out of the Upper Bench, and is of this Tenor.

The Keepers of the liberty of *England*, *&c.* to the Sherriffe of the County of *Eſſex* greeting. VVe command you, that you omitt not for any liberty, *&c.* But that you diligently enquire by the Oath of good and lawfull men of the body of your County, whether A.B. late of C. in the County aforeſaid did drown himſelfe, or did any other way felonioufly kill him ſelfe or not; And if it ſhall be found that the ſaid A. did willfully and felonioufly drown or kill himſelfe, then by the Oaths of good and lawfull men without any delay, you diligently enquire what Goods and Chattells the ſaid A. had in poſſeſſion or any other to his uſe had at the time of his death, and of the true value thereof. And that what ſhall be found concerning the premiſes before you, you do under your Seale, and the Seales of thoſe whom you ſhall cauſe to make the ſaid Inquiry, you do certifie unto us in the *Octaves* of Saint *Hillary*, whereſoever wee ſhall be in *England* together with this Writt; That we may further do therein, as of right by the Law and Cuſtome of *England* is to be done. Witneſſe H.R. Or if any perſon ſhall come to his or her death by any miſchance, whereby any benefit of *Deo dandum* cometh to the Keepers of the Liberty, then it is uſuall to ſend a Writt to the Sherriffe of the County to this effect.

The

The keepers, *&c.* to the Sheriff of the County of *S.* greetiug. We command you that you diligently enquire by the oathes of good and lawfull men of the body of your County, how and in what manner *A.B.* late of *C.* in your County came to his death, whether by misfortune, or by the visitation of God, or otherwise; and if it shall be found that the said A.B. was killed by any misfortune, that then you do enquire of all such things which did move to the death of the said A. and of the true value thereof, and in whose hands they now are: And what shall be found before you concerning the Premisses, that you certifie unto us under your seale and the seales of such as you caused to enquire thereof. *&c.*

Secondly he shall loose his blood as well in regard of his Ancestry as of his Posterity, and so his blood being corrupted he hath neither Ancestor, Heire, or Posterity.

And where a man is found guilty of the death of another before the *Coroner*, the *Coroner* shall presently go to the house of him that is so found guilty, and shall enquire of his Chattels, and his Lands, and his Corn growing thereon, and shall appriſe them and deliver them to the Town to answer them before the Justices. And it is said that when a man is found guilty of flying (or as it is called in Law *Fugam fecit*) the Coroner may presently cause the Sheriff to seize the Land into the Kings hand by word without an Inquest, and may cause him also to seize all his Chattels and apprize them by a good Inquest, and deliver them to the Town to answer for them to the King.

And

And albeit it hath been ſaid that the Kings Officer may ſeiſe the Goods of a Felon before his Attaineer and leave them with him upon ſecurity given, yet others ſay whether he give ſecurity or not, the Officer cannot remove them out of the houſe till the party be attainted, and the Felon and his family ſhall have things neceſſary for him and his family, ſo long as he ſhall be in priſon. *Stamford Pl.Coron:Po:192.*

And in appeale of Murther or other Felony, if the Appellant dye, or ſurceaſe to follow the Appeale, or ſhall become non-ſuit, yet the Felony ſtill continues; and becauſe (in caſe of Murther) there is not onely injury done to him that is ſlain, but the peace of the King was broken, the King might proceed *Ex officio, St.pl.Cor:fol.* 147.

## The Office of a Gaoler, and concerning Eſcapes.

*HAving here before in this Treatiſe upon ſeverall Emergencies, occaſion to mention the Gaolers and Keepers of Priſons, and the houſes of Correction, which as they be neceſſary Officers in the Common-wealth, ſo is their Office full of danger and trouble; For the Keepers of Gaoles give great ſecurity to the Sheriff for his indempnity, for that he is in Law charged with all ſuch Priſoners committed to his charge. To the end therefore that ſuch as*

*are*

*are of a milde and gentle nature may not be a buſed, and may know what they may lawfully do; and that ſuch as are of a more rigid and cruell nature may likewiſe know what they ought not to do. I think it convenient to ſay ſomewhat, (though it will not be much) concerning their duty and Office, which is,*

FIrſt that they muſt receive all Offenders ſent unto them by *Mittimus*, or other Warrant from any of the Juſtices of the Peace of the County, or brought unto them by any Conſtable or other known Officer, but from any other they are not bound to receive them, nor take them in charge.

But when they have any perſon in actuall poſſeſſion, they ſhall be anſwerable for their eſcapes, according to the quality of the Offence.

And Mr. *Dalton* tells us, that the Lord chiefe Juſtice *Popham* did cauſe one *Staver* (a Gaoler at *Cambridge*) to be indicted, arraigned, and hang'd for an eſcape of a Felon ſuffered by him.

But we muſt preſume that this was ſome notorious Felon, and that the Offence was very Capitall, and that the eſcape was voluntary, otherwiſe the Judgment had been over ſevere; for let a Gaoler do what he can, and uſe all poſſible induſtry that can be required or imagined; yet ſuch art may be uſed by a priſoner, and ſuch helps and aſſiſtances may be given him, that he may make an eſcape though he be laden with Irons, which may be taken off by deviſes.

And

And it is not long ſince, that the priſoners in a Gaole not far from *London*, conſpiring together to make an eſcape, which they could not make through any Doors, Grates, or Walls, found means to dig under the Priſon, and made their way in the earth a good way, and then pulled down the earth, and made a hole into the Street, by which ſome of them eſcaped before it was diſcovered. In this or ſuch like caſes if the Gaoler ſhould be puniſhed according to the letter of the Law, it would ſeem very hard, no man being required to impoſſibilities.

This difference therefore is made; *viz.* If the eſcape were by default (which we call a negligent eſcape) the keepers of the Liberty of *England*, *&c.* may charge the Gaoler, if they will, or the Sheriff upon the ſtatute, 14 *Edw.* 3. *Ca.* 9. and the Iudges do in theſe caſes make as favourable an expoſition as with conveniency and ſafety they may.

Or elſe voluntary, which two ſorts of eſcapes are thus differenced and defined.

A negligent eſcape according to Mr. *Stamford* in his Pleas of the Crown, *fol.* 33. is when the party arreſted or impriſoned doth eſcape againſt the will of him that arreſted or impriſoned him, and is not freſhly purſued and taken again before he hath loſt the ſight of him which eſcaped, the penalty whereof ſeemeth to be onely a Fine at the diſcretion of the Judges or Juſtices.

And the ſame learned man makes this difference, that if the eſcape be of a priſoner attainted, the fine ſhall be a 100 l. but if onely indicted, 100 s.

and

and where taken upon ſuſpition onely, ſeemes diſpenſable.

A voluntary eſcape is where one doth arreſt, or hath impriſoned another for Felony or other Offence, and afterwards voluntarily let him go at liberty where he will.

And if the eſcape be wilfull in the Gaoler (which is felony in him) the Sheriff ſhall not be bound to anſwer to the felony, but may be fined to the value of his Goods, *Stamf. pl. Coron.*

And in caſe of voluntary eſcape, if the arreſt or impriſonment were for *Treaſon*, it ſhall be adjudged treaſon in him, which did voluntarily ſuffer the priſon to eſcape, and if it were *Felony*, then it ſhall be adjudged Felony; and it for *Treſpaſſe*, it ſhall be adjudged Treſpaſſe.

In caſe of Treſpaſſe or other Offences whatſoever (being under Treaſon or Felony) there is no difference whether the Eſcape ſuffered by the Officer be voluntary or negligent, but that the Officer in both caſes ſhall be fined for the Eſcape according to the Default, by the diſcretion of thoſe that be Judges thereof.

Queen *Elizabeth* pardoned one who killed another; the wife of the man ſlain, ſuing an Appeale was detained in priſon at her ſuit; the Gaoler after ſuffers the Man-ſlayer voluntarily to go at large, and he made an eſcape; which in Mr. *Plowden* that famous Lawyer his opinion was Felony in the Gaoler, though he was no Felon as to the Queen, in regard of his pardon from the Queen.

This

This I believe is a case known to few Gaolers, in regard whereof I thought good to set it down, that knowing it, they may be the more circumspect when such a case shall happen, *Plowd:* 147.

A prisoner found guilty of petty Larceny, is adjudged to lye in prison a moneth for his punishment, and after the moneth he breaks prison, and escapeth; and the question being what this is in the *Prisoner*, and what in the Gaoler; It was holden that the Gaoler shall be charged with the escape; But if the prisoner be discharged, paying his Fees, here the Gaoler is not charged with the escape, and if he be discharged paying his Fees, he is a prisoner till he hath paid his Fees, 21 *H.7. Ca:*17.

And it is said that a voluntary escape in Felony is no Felony, if the Act done were no Felony at the time of the escape made: As if one man strike another and hurt him mortally, whereupon the Constable arrests him that gave the stroke, and after suffers him willingly to escape, and after the man so hurt dyeth of that stroke, this escape is no Felony either in the Constable or the Prisoner, yet the Constable shall be fined at the discretion of the Judges.

If a man be wounded, and the striker is voluntarily let go at large by the Gaoler, and after death ensueth to the person hurt, yet this is no felonious escape in the Gaoler, 11 *H.4.Ca.*12.

The voluntary suffering him to escape who hath killed another, *se defendendo*, or by disadventure, or of him that hath committed petty Larceny seemeth

eth to be no Felony; for that these Offences are not Felony of death, but he that suffereth the escape shall be fined, *Cromp:* 39. yet there is a Quere, for they that suffered, are not to judge whether it be Felony or not.

If a Justice of Peace shall send for a Felon out of the Gaole, and shall deliver him without baile, this seemeth to be a voluntary escape, and so Felony in the Justice.

If the Iustice of Peace or Sheriff shall baile one who is not bailable, this is an escape in Law.

And if one be brought before a Iustice of Peace for suspition of Felony, and confesse it, and yet he shall suffer the prisoner to go at large without bail, this is a voluntary escape in the Iustice.

If a Gaoler by *du es* of imprisonment and pain enforce his prisoner to become an *Approver* (that is an accuser of others as helpers with him in the Felony) this is Felony in the Gaoler, although the *Appellee*, or party accused be acquit, or shall dye before he be arrested upon the Appeale.

If a Gaoler shall onely procure his prisoner to accuse another of Felony, this is Felony, 18 *Ed:* 3. yet the statute of *Ed:* 3. seemeth to extend onely where the Gaoler shall do this by great *Dures*, or pain.

And if a prisoner by *Dures* of the Gaoler cometh to untimely death, this is murther in the Gaoler; & the Law implyeth malice in respect of the cruelty: And for this cause if any man dyeth in prison, the Coroner ought to sit upon his body to enquire whether his death came by the *Dures* of the Gaoler. *Briton, Ca:* 11. *de prisons, fol.* 18.

If

If it ſhall be further demanded how Priſoners for Treaſon or any other offence ought to be uſed in Priſon, the learned *Bracton* will tell you; That laying men in Chaines, was againſt the Law, for that a *Priſon* was a place to keep, not to puniſh Priſoners. *Lib.* 3 *fol.* 154.

And in another place he ſaith, when a Priſoner is to be brought before a Judge, he ought not to be brought manacled, though ſometimes for fear of eſcaping, they be ſhackled. And *Briton* ſaith, If felons come in judgement to anſwer, they ſhall be out of Irons, and all manner of Bonds, ſo that their paine ſhall not take away any manner of reaſon, nor them conſtraine to anſwer, but at their free will *Cap.* 5 *fol.* 14.

And *Ca.* 11 *fol.* 17. he ſaith. And of Priſoners we will that none ſhall be put in Irons, but thoſe which ſhall be taken for Felony, or treſpaſſe in Parks; And we defend that otherwiſe they ſhall not be puniſhed nor tormented.

And *Fleta* ſaith; That albe it be lawfull for the Sheriffe to keep offendors in priſon, yet not to puniſh them, but to keep them.

And the *Mirror* ſaith, it is an abuſe that Priſoners be charged with Irons, or put to any paine before they be attainted: *Ca.* 8. *ſect.* 1.

And whereas in the eighth year of the Raign of *Ed.* 2. a precedent is brought, that a Prieſt was arraigned and put him ſelf upon his Countrey, and ſtood at the Barre in Irons, but by command of the Judge, he was freed from his Irons, Sir *Ed. Coke* who voucheth it, ſaith, There is no difference in Law between a Prieſt and a Lay man, as to Irons, and thereupon concludes,

That where the Law requires that a Prisoner should be kept in *salva & arcta custodia*, yet that that must be without paine or torment to the Prisoner.

And Sir *Ed. Coke* (who cites these opinions, in the conclusion of his discourse of Petty Treason) saith, That it is against *Magna Charta. ca.* 29.

And that all the ancient Authors are against paine or torment to be inflicted upon the Prisoner before his attainder, nor after, but according to the Judgement, and that there is no opinion in the Law Books, or any judiciall Record for the mayntenance of tortures or torments. And doth implicitely disallow the Racke or Brake, first brought into *England* by *John Holland* Duke of *Exceter*, whom *H.6.* made Constable of the Tower.

But how these opinions will secure a Gaoler against his Prisoners (who will venture hard for their liberty rather then lye in a strait Prison) because I cannot determine, must be left to their discretion, who must answer for their escapes.

*I should now say somewhat of Pardons; but* rebus sic stantibus. *I shall say no more of it, only I shall set downe the Rule which is found in* Bracton. fol. 132.

Non potest Rex gratiam facere cum injuria & damno aliorum quod autem Alienum est, dare non potest super suam gratiam: (i. e.) *The King cannot pardon or shew his Grace with wrong, or damage of others. For what is another mans he cannot give away by his grace or pardon.*

*Churchwardens*

## *Church-wardens.*

WHen I promiſed, and intended to make an Appendix to the former worke, concerning the duty and office of Church-wardens, I had not ſeen ſome tracts written *de propoſito* concerning the ſame, whereof having advice ſince, I had almoſt reſolved to break my word, which I thought better to do then to take upon me to make that mine which indeed was other mens, and ſo hear the warning which *Hor.* gave to *Celſus*, a great *Plagiary* in that kind, which was *privatas ut quærat opes*, to make uſe of that which was his own, leſt that ſhould befall him, which befell the Jack-Daw, who trimming himſelfe with the fine Feathers of other Birds, and being called to make reſtitution to the true owners, was left naked, and expoſed to contempt and ſcorne.

I remember that when the Earle of *Eſſex* was in the height of his greatneſſe in Q. *Elizabeths* time, there was a Book written to Sir *John Hayward*, a Doctor of Law, and (to give him his due) a man of great knowledge, both in his own profeſſion, and other learning, concerning the depoſing of *Richard* the ſecond, and the gaining of the Crown by *H.* Duke of *Lancaſter* (after *Hen* 4.) which Book he very unfortunatly (as ſhortly after it fell out) dedicated to the ſaid Earle, for which Book he was after queſtioned, and by direction either of the Queen herſelfe, or ſome of her Privy Councell, Maſter *Bacon* (ſince Lord Chancellor) being of the Queens learned Councell at large, was commanded to conſider of the ſaid Book, and ſee if he could find any Treaſon init; He did ſo, & returned anſwer

That he found no Treason, but much Felony in it; for that the Doctor had stollen whole leaves out of *Tacitus*.

I would be loth to be found guilty of that Crime, though I finde that many great Clerkes have thought it to be but a Veniall sin: Mr. *Crompton* took much of Mr. and Mr. *Dalton* out of them both, and the Compiler of the Compleat Justice out of them all, and all upon one subject.

So that to speak truth, there hath been continually borrowing one of another, to make their designed work, though in severall and divers Methods, and all very usefull.

It must not therefore seem strange, if I have here and there gleaned some things out of them, as they did out of others, as they lay in my way; and upon that score hope that it shall not seem a greater fault in me then it was in those eminently learned men; and the rather, because I have gone a way, in which I finde not the foot-steps of any going before me; though I deny not but that many of the things are the same which others have set forth in another Methode. And in this individuall matter concerning the Office and duty of Church-wardens, I have so far declined the medling with those things as are commouly taken to be their main, if not their onely business (as the providing and preserving the goods of the Church, making presentments heretofore used at the Ecclesiasticall Courts, unlesse it be the vouching of some authority, or resolution in some case heretofore controverted) That I meddle little or nothing with their duty and Office, but as it is interwoven with the business of the Constables, whose work it is to preserve the Peace, which (as I said before) is the subject matter of this discourse; under which

notion

notion, and in which capacity, you ſhall find the *Church-wardens* often engaged, and coupled with the Conſtables in matters which concerne the Peace, and the obſervation of divers Statute Lawes tending thereunto, as for example.

If any diſturb a Miniſter in his Preaching, or reading the Divine Service, (which is a breach of the Peace and a ſtatute) any of the Conſtables or *Church-wardens* may of his owne authority apprehend him and bring him to a Juſtice of the Peace, to be dealt with according to Law.

If a Rogue be brought or offered to the *Church-wardens*, they muſt accept him, and look to him, or forfeit five pounds, and be bound to the good behaviour.

If any perſon be ſent to the Common Gaole and have not money or means of his owne to defray the Charges of him and his attendants; Then the Conſtable and *Church-wardens* of the place, where the offendor ſhall be taken, ſhall make a rate for levying of ſuch money as ſhall be neceſſary for the charge, which Aſſeſſment being confirmed by a Juſtice of Peace, ſhall bind the Inhabitants, and if any refuſe to pay his rate, the ſame Juſtice, or any other may give warrant to take a diſtreſſe &c.

When an Aſſeſſement is made for maintenance of Souldiers and Mariners; and the parties rated, refuſe to pay their rates aſſeſſed, the Conſtable and *Church-wardens*, and every of them, may levy by diſtreſſe and ſale of the refuſers Goods.

The rate for the maintenance of the poore Prisoners in the Kings Bench and Marſhalſey Hoſpitalls, and Alme-houſes may be rated by the Conſtables or *Church-wardens*, of the Pariſh, who may take diſtreſſe, *&c.*

The money forfeited by unlicenced Alehouſes, may be levied by the Conſtables or *Church-wardens* of the place by a Juſtice of Peace his Warrant, and if the money be not paid within three dayes, they ſell the Goods, *&c.*

The money forfeited by ſuch as keep Tipling houſes, and leſſe meaſure then they ought, which is twenty ſhillings, or by ſuch as abide tipling in any Vitlers houſe, *&c.* to be levied by the Warrant of a Juſtice of the Peace by the Conſtable or *Church-wardens*, and given for the reliefe of the poore.

If any be convicted for being drunk, he is to pay five ſhillings, to be paid within a week after conviction to the *Church-wardens*, for the uſe of the poor.

The *Church-wardens* are by their Oath charged to preſent the offences againſt the Statute *Primo Jacobi*, for ſelling by unlawfull meaſures; for ſuffering tipling & drunkenneſſe, for default whereof they are to pay ten ſhillings to the uſe of the poor.

If any prophanely ſweare and curſe (and be queſtioned for it within twenty daies, he ſhall forfeit for every time twelve pence to be levied by the *Church-wardens* to the uſe of the poor by the Statute of 21. *Jac.*

If any ſhall kill or deſtroy any Pheſants or Partridges with any Nets or other Engines or deviſes, in the night-time, he ſhall forfeit for every Pheaſant twenty ſhillings, and for every Patridge ten ſhillings, the one halfe whereof to the Lord of the place, which if he ſhall diſpence with, the *Church-*

*wardens*

*wardens* of the place may ſue for it and recover it, *&c. Stat.* 23. *Eliz.*

If againſt the Statute of 8 *Carol. Ca.* 1. there ſhall be any aſſemblies or concourſe of people for ſports or paſtimes on the Lords day, or any Bear bayting or common Playes, or other unlawfull exerciſes or paſtimes, to the prophanation of the day, every perſon ſo offending, ſhall forfeit for every ſuch offence——3.s.——d. to the uſe of the poor, to be levied by the *church-wardens*

If any perſon fiſh in any haven, harbour or Creek of the Sea within five miles of the mouth of any haven or creek of the Sea, with any Nets not allowed by the ſaid Statute, whereby the ſpawne of fiſh may be deſtroyed, the offendor ſhall forfeit the Net and ten ſhillings for every time, the ſame to be levied by a Juſtice of Peace his Warrant to the Conſtables and *Church-wardens* of the place.

All eſtates made by the Clark of the Peace, and the Stewards of Leets upon forfeitures upon Statutes of high wayes, one part ought to be delivered to the high Conſtables of the hundred, and the other part to the Conſtables and *Church-wardens* of the Pariſh where the defaults were committed, to the end, the high Conſtables may thereby levy the ſame by diſtreſs, and the Conſtables and *Church wardens* may therey call the high Conſtables to an accompt, *&c.* and if they make not a true accompt to the Conſtables and *Church-wardens*, they may be compelled unto it by the *Church-wardens*; And thus to be beſtowed by the *Church-wardens* on the high wayes.

The Conſtables and *Church-wardens* of the Pariſh, are to be at the chooſing of the *Supervi*ſors of the high wayes, to name and appoint the ſix dayes ſet apart for the mending thereof.

And if any ſuch ſuperviſors ſhall neglect to levy the forfeitures by diſtreſſe and ſale of the defaulters Goods, then the Conſtables and *Church-wardens* ſhall levy the ſame in ſuch manner as the Surveyors ought to have done, by the Statute of 18. *Eliz.*

The *Church-wardens* have by their office equall authority with the Overſeers of the Poor to take order (with the conſent of two Juſtices of the Peace) for ſetting the poore on work, placing them out Apprentices, and releeving them that are impotent, and with conſent of two or more Juſtices of the Peace (of which one to be of the *Quorum*) may ſet up and uſe any myſtery, Trade, or occupation, only for ſetting on work and relieſe of the poore of the Pariſh.

And to ſet on work the Children of ſuch who ſhall be thought by them unable to keep their Children; And the Indentures made by the Juſtices of the Peace, *Church wardens*, and Overſeers of the Poore, and the binding of them, ſhall be as effectuall in Law, as they were of full age to bind themſelves.

The *Church-wardens* and Overſeers of the Poore are to accept of, and look to any Rogue that ſhall be brought and offered unto them to be conveyed unto any place, and are as well as the Conſtable to ſee he be conveyed accordingly, and upon refuſall ſo to doe to forfeit five pounds.

And if they do refuſe to give up their account, and pay the Arrearages to their Succeſſors, they may be committed to the Gaole till they do accompt and pay the money Arreare.

And

And the money ſo by them forfeited for not receiving a Rogue, or not taking care to convey him, may be levied upon the Offenders Goods by warrant from two or more Iuſtices of the Peace.

And the money by them forfeited in any other particular, may bee levied by the ſucceeding Church-wardens & Overſeers, upon the Offenders Goods by warrant from two Iuſtices of the Peace.

The Church wardens, the Parſon, or Vicar, and the Conſtables of the place, where any money is given to be continually imployed for the binding out of Apprentices, ſhall have the nomination and placing of ſuch Apprentices, and the guiding and imployment of ſuch monies as have been, or ſhal be given to that end.

And in former times when there were Biſhops and Epiſcopall Government, the Church-wardens with the Miniſter of the Pariſh, were within forty daies after *Eaſter* to give to the Biſhop or his Chancellor the names of all the perſons men and women above the age of ſixteen yeers, that did not receive the Communion at *Eaſter* before.

But now that that venerable Function, with which Title many of the moſt excllent men both for Learning, Piety, and Government of the Church held themſelves, and were by others juſtly honoured, was caſt out of this Nation as *Antichriſtian*; there hath onely no care been taken for receiving that holy and ſoule-ſaving Sacrament, or puniſhing the neglect of that Sacred Ordinance; that among ſome of thoſe that pretend to have new Lights, and by them ſee more then all the Primitive Fathers (who lived in the times next after Chriſts Aſcention) or the holy Apoſtles did ever ſee; it is held to bee a degree of Superſtition to deſire it, and are offended with ſuch

Pious

Pious and Orthodox Divines who administer the same with such reverence as becometh and is due to a work which conduceth to, and so much concerneth the salvation of our Soules; but what pretences soever those other make to new lights, I think I may truly say as a pious and religious man (now with God) said, *they are light headed*

By the ancient common Law the *Churchwardens* were and still are to care and see to, and preserve the Goods of the Church; *viz.* The Church-books, Common-cups, and other decent Ornaments and Furniture of the Church, which they do finde there at their comming into their Office; and if there be any lack of those things they are to see and provide them, and being there to preserve them, *&c.* and to see the Church repaired; For the taxation of which charge, I finde that upon a consultation among the Doctors of the Civill Law to the number of fifteen assembled at Doctors *Commons* in *London* it was directed and agreed upon.

That every In-dweller shall for his lands, yeerly lively-hood or goods onely, or by the best of them and not for all.

That every Out-dweller that occupieth lands or tenements within the Parish, shall be taxed either by himselfe, or by his Bailiff or his servant.

That if the Out-dweller occupy not the land himselfe, then the Farmer, not the Owner shall be taxed.

That no man shall be taxed for any lands lying out of the Parish, but onely for lands within the Parish.

And it was by them declared, that these parcels ensuing with their appurtenances are to be accounted

counted Church-reparations, & are to be borne not onely by the Parishioners, but also by all those that do occupy any Lands, Tenements, or Possessions within that Parish where the Church is to be repaired;

*Viz.*

1. The Walls of the Church, and Church-steeple, and Church-yard of Stone and Brick.
2. The Windowes of Stone and Brick, and the bars of Iron and Glasse.
3. The Roofe of Timber, with Lathes, Nailes, Prigs, Dogs and Bolts of Iron.
4. The covering of Lead, Slate, Tile, or Shingle.
5. The Floor with stone or paving Tile.
6. The doors of Timber, with Locks, Keyes, Ridges, Hooks, and Nailes.
7. The furniture of the Steeple with Staires, Floors, Bells, Wheeles, and Ropes.
8. The Pulpit,
9. The Pewes and Seats not made by private men.

These following are not properly Church-reparations, but yet are the duties belonging to the Church, and are to be performed rateably by the Inhabitants of the Parish;

1. The Communion Table with the Coverings thereof.
2. The Communion Cups.
3. The Bread and Wine for the Communicants.
4. The Bible and other Books appointed to be in Churches.
5. The washing of the Communion Clothes.
6. The Candles for the Lecture-daies and other occasions.
7. The

7. The Clerk and Sextons wages.

8. The expences of the Church-wardens and side-men at the visitation.

But how all these charges for reparation of Churches and other Parish Charges shal be raised, there have been so many queries and doubts, that almost in every Parish there have been contests about the same; and among other places in the Parish of *Word* in the County of *Sussex*, where Sir *Robert Heath* then Lord chiefe Justice of the common Pleas then lived, who advising with the Iustices of Assise gave these directions following, which though calculated for the *Meridian* of that place, may serve (unlesse there be some usage and custome to the contrary) for the whole Common-wealth of *England*; which were,

That the Taxations of the Poor (which may be a rule for other Assessements too) of any Parish be by Land-scots, according to the quantity and quality of the acres of Land within the Parish, and to have respect in their Taxations to the ability of the Inhabitants as wel as to the lands they occupy.

That the lands in the hands of Owners and Farmers at the Rack-rent beare this disproportion; *viz.* That the Owners shall be set 4 d. the acre, and the Farmers at 3 d.

And because there may not be an unequall and partial carriage in the Taxations, but that the same measure may be towards all;

*It is directed* and *advised*, that together with the Church-Wardens and Over-Seers of the Poor, there may be joyned an equall number of Ownersand Farmers, Inhabitans of the Parish, to be indifferently chosen by the rest of the Parish, upon whose Consciences and Reputation with their severall Neighbours that shall aid, that there be a charitable

a charitable reſpect to the poorer ſort of Farmers, in making the valuation of their lands according to the good diſcretion of the Aſſeſſors who ſhall bee truſted for the whole Pariſh.

Concerning the way of levying of Taxes for reparation of Churches, there having been anciently divers proviſions made; But becauſe the ſame by an Ordinance of the Lords and Commons in Parlament, of the ninth of 1647. the ſame is at large provided for; I think it requiſite for the information of ſuch Officers who have not the ſaid Ordinance, to ſet down the tenor thereof here, as briefly as may be, without omitting any of the material parts thereof, which may ſeem for a generall rule and direction for all Pariſhes and places within the Common-wealth of *England*, and the Dominion of *Wales*, by which it is ordered as followeth.

That foure, three, two or one ſubſtantiall Inhabitant or Inhabitants of every Pariſh or Chappelry (having reſpect to the proportion or greatneſſe thereof) ſhall be choſen yeerly on the Monday or Tueſday in *Eaſter* week by the Pariſhioners of every Pariſh, or the greateſt part of them that ſhall be then aſſembled for the choice of Church-wardens or Collectors of money for Church-duties within every ſuch Pariſh reſpectively; or in default thereof every ſuch Pariſh to forfeit 40 s. to the uſe of the poor of the Pariſh, to be recovered, as in the Ordinance is appointed; which Officers are within one moneth next after the choice to be allowed by two of the next Juſtices of the Peace to the place.

That the Church-wardens, or Collectors with the Overſeers of the poor, ſhall from time to time make rates & aſſeſſments by taxing every Inhabitant reſiding

residing and dwelling in the Parish, and every Occupier of Lands, Houses, Tithes impropriate, Cole-mines, saleable Under-woods; and for raising such competent sums of money as they shall think fit towards the reparation of such Church and Chappell, and providing of Books, and Bread, and Wine for the Sacrament, and repairing the Walls of the Church-walls and burying places thereto belonging; which *Church-wardens* shall within foure daies after the end of the yeer, and others Church-wardens nominated yeeld up a perfect account to the succeeding Church-wardens, and such Iustices of the Peace as aforesaid, of all monies by them received, or assessed, and not received all, & other things concerning the said Office, upon pain that every one defaulting shall forfeit 20 s. to the use of the Poor of the Parish.

That all Rates and Taxes made by the Church-wardens according to the custome of the said Parish, appointed by this ordinance to be done since the first of *May*, 1641. being confirmed by two Iustices of the Peace, shall be as effectuall in Law as if they had been done by this ordinance.

That it shall be lawfull for the present and subsequent Church-wardens (their rates being confirmed as aforesaid) to levie all sums of money and arrerages of such as shall refuse or neglect to pay their rateable parts and the forfeitures before mentioned, by distresse and sale of the offenders goods.

And all monies which shall be behind upon any Church-wardens account, for the repairing of any such Church or Chappell, or other things aforesaid, and the sum of two shillings towards the expence in levying the same, rendring to the parties the over-plus.

And

And in default of ſuch diſtreſſe, it ſhall be lawfull for any two ſuch Juſtices to commit ſuch refuſers to the common Gaole of the County, City, or Town Corporate, there to remain without Baile or mainprize, untill payment thereof.

And to commit to priſon ſuch Church-wardens as ſhall refuſe to account, till they ſhall make their account, and paid ſo much as ſhall be remaining in his or their hands; provided that the party may complain thereof at the quarter Seſſions, where the Juſtices may make ſuch order as to them ſhall ſeem good, by which all the parties ſhall be concluded.

And if any Pariſh extend into two Counties, or any part thereof lye within any Liberty or place Corporate, then the Juſtices of the Peace and other Officers ſhall intermeddle onely with ſo much as lyeth within their reſpective Counties and Liberties; and no further concerning the execution of this Ordinance concerning any of the Premiſſes.

That if any Action be brought againſt any perſon for taking any diſtreſſe or making any ſale thereof, it ſhall be lawfull for ſuch Officer to plead the generall iſſue, and give any ſpeciall matter in evidence.

And that if the Verdict ſhall paſſe with the Defendant or Defendants, or the Plaintif become nonſuit, or ſuffer any diſcontinuance thereof, then in every ſuch caſe, the Iudge or Iudges before whom the ſaid matter ſhall be tryed, ſhall by force of this Ordinance allow to the Defendant or Defendants his or their double coſts, which he or they have ſuffered wrongfully in defence of the ſaid ſuit.

And if the ſaid Church-wardens or Collectors ſhall be negligent in performing their duties, upon

on complaint or information thereof made to the two next Iuſtices or one of them, the ſaid Iuſtices, or one of them ſhall or may in their own perſons view the ſaid Churches or Chappels, or appoint the miniſter or ſome other of the Pariſhioners, to certifie them or one of them what reparations ſhall be needfull, and thereupon they or one of them ſhall by a Warrant under their hands and ſeals, to the Church-wardens order and direct what reparations ſhall be done, and limit a time for the doing thereof.

And if their order be not performed, they ſhall bind over the ſaid Church-wardens or Collectors to the next quarter Seſſions of the Peace; and if their negligence be proved, they ſhall be ſeverally fined, ſo it be not above 40 s. upon any one of them, and the Offender to be committed untill the fine be paid, which is to be diſpoſed of for the uſe of the poor of the Pariſh.

Provided that the Pariſhioners of any Pariſh ſhal not be charged with the reparing of any Chancell, or any particular Ile in the Church, which by preſcription or cuſtome have been uſed to be repaired by the Parſons, Vicars, Impropriators, or all other perſons politick or corporate, which have formerly been lyable to the reparations of all or any part of ſuch Church, Chappell, or Ile, ſhall ſtill be lyable to the ſame; & for their negligence therein ſhall be ordered by the two next Juſtices, or may be preſented or indicted by the Church-wardens, or any others at the next Seſſions of the Peace, where the Offender ſhall be proceeded againſt, as the Church-wardens ſhould bee proceeded againſt for their negligence by this Ordinance.

And where any Church or Chappell hath any Lands or yeerly Rens, *&c.* given to the repairing of

of Churches or Chappells; the Church-wardens or Collectors aforeſaid ſhall be from thence forth Receivers of the ſaid Rents, *&c.* Provided that this Ordinance as to repairing of Churches ſhall not extend to Churches or Chappells totally ruined by theſe laſt Wars, extremity of age, or other caſualties.

And that all Offences againſt this Ordinance ſhall and may be enquired, heard, and determined before the Juſtices of Aſſiſe, of *Oyer* and *Terminer*, or Gaole-delivery, or before the Juſtices of Peace, of any County, City, and Town Corporate where the Offence ſhall be committed,

And that all and every Pariſh Clerk and Sexton within any Pariſh, ſhall have their due fees from the ſeverall Pariſhes, to be ordered and recovered by Warrant from the Juſtices, in ſuch manner as the rates made for Church-wardens are ordered to be levied: And that they be elected and choſen, in ſuch manner as hath been formerly accuſtomed.

*THus by all that hath been hitherto ſaid, you may ſee wherein there is a trangreſſion of the Law, by the breach and diſturbance of the Peace of the Common-wealth, and the puniſhment of ſuch Tranſgreſſions. And all this while we do but ſhew the ſtrength and rigour thereof, without any mixture or compoſition of mercy: But as not to puniſh ſome were to encourage Malefactors, and evill diſpoſed perſons, in hope of Impunity to commit enormous Offences againſt God and man, ſo to*

*puniſh all Offenders according to the letter of the Law, were ſeverity in the fourth degree like poyſon, and become cruelty it ſelfe.*

*The Kingly Prophet* David *(a man after Gods own heart) would have his Song of two parts; of* Judgment, *to puniſh where he ſhould finde a continued perverſneſſe, in the will; of* Mercy, *to pardon where there was hope of amendment in time to come: there being alſo divers circumſtances which may make the ſame Offence* Veniall *or* Mortall, *as ſins are diſtinguiſhed by ſome Divines.*

*And it was the Method which Almighty God (who is the God as well of mercy as of Juſtice) uſed with, and towards his own people that had tranſgreſſed his Lawes, and broken his holy Commandements and Ordinances, when he had threatned the Iſraelites,* Hoſ: 11: verſe 6. That the Sword ſhould abide in their Cities, conſume their branches, and devoure them becauſe of their own Counſels (*which was his Judgment.*) *In the* 14 *Chap. verſe* 5. *he ſaith,* he will be as the dew unto Iſrael, and he ſhall grow as the Lilly; *and verſe* 6. His branches ſhall ſpread, and his beauty ſhall be as the Olive Tree, &c. *which was his* Mercy: *and in the* 4. *of* Amos, *God tells the* Iſraelites *what puniſhments he hath, and would inflict upon them, for their oppreſſion and*

*other*

*other ſins* (*there is his Juſtice*) *and Chap.* 9. *verſe* 11. In that day (ſaith he) I will raiſe up the Tabernacle of *David* which is fallen, (*there is his* Mercy) *And ſome Divines hold, that if one of Gods holy Attributes can be greater then another* (*he being* Mercy *and* Juſtice *in the Abſtract*) *it is his* Mercy *that hath the Prerogative and Preheminence.*

*And ſo it ſhould be* (*by Gods own example*) *with Princes who are his Vicegerents, and ſuch as have* poteſtatem vitæ & necis, *they ſhould mingle mercy with juſtice; for in ſo doing they ſhall be as much feared, and much more beloved.* Mitius imperanti (*ſaith one*) melius paretur; *and another thus,* Sicut ignis eſt ut urat, & lucem præbeat; ſic Regis eſt ut benefaciat & puniat: (id eſt) *as it is the property of fire to burn and give light, ſo it is of a Prince to do good,* (*there is mercy*) *and to puniſh* (*there is Juſtice, or Judgment.*

*The reſult of all which is, that there is a neceſſary conveniency, or a convenient neceſſity* (*chooſe you whether*) *that mercy ſhould be as well ſometimes ſhewed, as juſtice executed; Lawes being made for the terrour of many, that few might be puniſhed. And it was obſerved, that* Hen. 7. *King of* England, *who out of covetouſneſſe did uſe to take advantage of the breach of all ſtatute Lawes which were*

*penall, and would bring him in mony, was branded with the mark of a cruell King; not remembring that,* Ditare, non diteſcere, Regis eſt: *and as the Poet ſaith.*

Si quoties peccant homines ſua fulminat mittat
Jupiter, exiguo tempore inermis erit.

*Having therefore all this while ſpoken of Offences and Puniſhments, it will now (the Premiſſes granted) be orderly and ſeaſonable (according to the Methode of that learned Judge, of whoſe Labours I confeſſe to have made much uſe in this Collection) to ſpeake ſomewhat of Pardons.*

*Of which ſome are generall, and ſome particular, ſome abſolute and totall; as where the King doth wholly remit and pardon the Offender (as it is ſaid in another caſe) both* à Culpa & pœna, *and doth not only ſpare the life, and all the Eſtate which was forfeited upon the attainder; but is pleaſed by authority of his Parliament (without which it cannot be done) that the corruption of the Offenders blood ſhall alſo be taken away, ſo that he ſhall ſtand as* rectus in curia, *to all intents and purpoſes as if he had never offended, which the Latines call* condonatio, *a free and full pardon, and in the Language*

*guage of the Law is called* perdonatio.

*And by this authority of Parliament, there may be not onely a reſtitution in blood to make his Heire capable to inherit from himſelfe, or any of his collaterall or lineall Anceſtors, but there may be a reſtitution to Honours, Dignities, and what ever was loſt by the attainder.*

*There are alſo ſome Pardons partiall and conditionall, as where there is ſomething annexed thereunto by way of qualification; as where an Offender hath his life,* &c *pardoned, yet ordered to continue in priſon during the Kings pleaſure (which is underſtood to be for his life) or otherwiſe, or baniſhed the Kingdome, or to be perpetually bound to his good abearing, and is ſuch a qualification of the Pardon, as if the Offender break his condition, he may forfeit his Pardon; as* Shimei *did, who loſt the benefit of his Pardon given unto him by King* David, *by going out of the City of* Jeruſalem, *to which he was confined by King* Salomon, *who put him to death,* 1 Reg. 2. *chap.*

*And albeit I do not for the preſent remember but one Precedent which was* 3 H. 7. *of the taking of ſuch a forfeiture by any King of* England, *yet the putting to death of Sir* Walter Raleigh *was not far from the caſe. For albeit he had no formall or legall Pardon for the Offence for which he was convicted; yet*

*ſome wiſe men thought, that the Kings Commiſſion to go to Sea with a Fleet under his command was* tant amount, *and that it was a hard point of Iuſtice to execute him. For I finde in* Stamp: *Pleas of the Crown*, 22 Ed. 3. *That where a man was found guilty of Felony ſhewed by a Charter of the King, that did not contain any Pardon, he onely ſhewed retained him to go into* Gaſconie, *and it was allowed.*

*Sir* Edward Cook *in his book of the Pleas of the Crown, and the Chapter of Pardons, ſpeaking of generall Pardons granted in Parliament, ſaith, that generall Pardons in thoſe daies in which hee wrote; and I may add in theſe times in which we live, generall Pardons had ſo many qualifications and exceptions of Offences and things, and of perſons alſo, that the Court of Iudicature (where any man ſhould be impleaded for any Offence for which he was puniſhable either by paines of death, corporall, or pecuniary) cannot take notice of them, neither can the party take benefit or advantage thereof unleſſe he plead it: And for that (as he ſaith) it may concern the ſafety and quiet of many a Subject, he was pleaſed to expreſſe the form of the pleading of a generall pardon in Latine; which becauſe all Pleadings are now to be in the Engliſh Tongue, I thought it worth my Labour for the good of others (who may*

*may have occaſion to make uſe thereof) to tranſlate the ſame into Engliſh, having for my warrant that great Maſter of the Law, and the learned Judge* Stamford, *who have in their Bookes tranſlated whole Acts of Parliament for help of the Readers: and thus it is.*

AND the ſaid *A.* cometh by *B.* his Attorney (or in his proper perſon) and ſaith, that our Soveraign Lord *James* the King, ought not now the ſaid *A.* for the cauſe aforeſaid to impeach or moleſt; For he ſaith, that by a certain Act in Parliament of our ſaid Lord the King, that now is, held at *Weſtminſter* in the County of *Middleſex*, the ninth day of *February*, in the ſeventh yeer of his Raign, among other things it is enacted and eſtabliſhed by the authority of the ſame Parliament; that all & ſingular the Subjects of our ſaid Lord the King, as well ſpirituall as temporall of this Kingdome of *England*, *Wales*, the Iſles of *Jernſey* and *Garnſey*, and the town of Berwick, their Heirs, Succeſſors, Executors, and Adminiſtrators, and every of them, and all and every bodies any way corporated, Citties Burroughs, Counties, Riding, Hundred, Lathe, Rape, Wapentake, Town, Village, Hamlet, and Tithing, and every of them, and the Succeſſor and Succeſſors of them and every of them, by authority of the ſaid Parliament ſhould be acquitted, pardoned, releaſed, and diſcharged againſt our ſaid Lord the King, his Heires and Succeſſors and every of them, of all Treaſons, Felonies, Offences, Contempts, Treſpaſſes, Entries, Wrongs, Deceits, ill Behaviours, Forfeitures, Penalties, and ſums of money, paines of death, paines corporall, and pecuniary

cuniary, and generally of all other things, cauſes, complaints, Suits, Judgments, and Executions in the aforeſaid Act not excepted, nor fore-prized, which by our ſaid Lord the King any way or by any meanes muſt be pardoned before, & untill the nineth day of *November* then laſt paſt, before the making of the Act aforeſaid, to every or any of his Subjects, bodies Corporate, City, Burrough, County, Riding, Hundred, Lath, Rape, Wapentake, Town, Village, & Tithing, or of any others, as in the ſaid Act is more at large contained. And the ſaid *A.* ſaith, that the offence aforeſaid objected unto him is not in the ſaid Act excepted nor foreprized; And that he is, and at the time of the publiſhing of the ſaid Act, was a Subject and Liege of our ſaid Lord the King that now is, and born under his obedience; that is to ſay, at *Weſtminſter* aforeſaid, and that he is not any perſon in the Act aforeſaid excepted, nor fore-prized; And this he is ready to verifie: whereupon he doth not conceive that our ſaid Soveraign Lord the King that now is, for the cauſe aforeſaid will impeach or moleſt him; And thereupon prayeth Judgment: And that he from the Premiſſes aforeſaid may be diſcharged, and that the generall Pardon aforeſaid may be unto him allowed.

*In*

*In the penning of which plea, it is to be obſerved.*

1. *That the whole Act muſt be recited* totidem verbis.
2. *That the party muſt be at the time of the Publication of the Act under the allegeance of the King, &c.*
3. *That he is not any perſon in the ſaid Act excepted.*

The learned *Stamford* in his Pleas of the Crown *lib.* 2. *Ca.* 35. ſaith, That the pardon of the King is a barre to an Indictment, which (ſaith he) the King ought ſometimes to grant to the offender, where there is hope of amendment, and where he may grant it without violation of his Oath, which he made at his Coronation, which among other things (ſaith *Eraction*) is to command in all Judgements equity and mercy to be done, that by his mercy the mercifull God may be graticus unto him, and by his Juſtice all men may rejoyce. For a King (as he ſaith after) ought not only to be wiſe, but alſo mercifull, that with his wiſdome he may be mercifully juſt.

But becauſe in times paſt, many procured pardons for very heynous Crimes, which were not truly ſet down or ſpecified in the Charter, and upon falſe ſuggeſtion divers pardons were granted contrary to the law, divers Statutes were made for redreſſe of ſuch deceipts, as 2. & 4. *Ed.* 5. & 14. *Ed.* 3. cited by Judge *Stamford loco citato. fol.* 100. & 101. where he ſpeaks of pardons granted by the King with a *non obſtante aliquo ſtatuto actu, &c.* which *non obſtante* (ſaith he) takes away not only

only the force of those Statutes which limited the Kings power in granting them, as the Statute of *Northampton*, &c. But all other Statutes in which that clause of *non obstante* shall be put; And that therefore it behooved Princes, well and wisely to consider the suit and suggestion which is made unto them to grant a pardon, and to see lest by any clause or word contained in their Charter they be deceived. And that the King ought so to do, *Bracton* points out two Statutes, the one in 27. *Ed.* 3. the other in 13. *Ri.* 2. whereof the first is.

*Forasmuch as our Lord the King hath often times granted Charters of Pardon for Felonies upon fayned suggestions which were not true, by reason whereof many evils have ensued, which to eschew, it is agreed and assented to by our Lord the King, and all his said Councell (his Parliament) that from henceforth every Charter of pardon for Felony, which shall be granted at the suggestion of any man, the suggestion and the name of him that maketh it, shall be comprised to the same Charter, and if it shall be afterwards found, that the suggestion was not true, the Charter shall be disallowed and null.*

That

That of *K.* 2. was of this tenor; No pardon ſhall be allowed before any Juſtice for murder, or the death of any man ſlaine by a wayte aſſault or malice prepenſed. Trealon or rape, unleſſe the ſaid offences be ſpecified in the ſaid Charter. And if by inqueſt of the viſenage, it be found that the party was murdered or ſlaine by a waite, *&c.*

That then the Charter ſhall be diſſallowed.

And gives this note. That the Charter of pardon ought to agree with the Indictment in name, Sir-name and addition, to the end and intent that he may be intended to be the ſame perſon that was indicted, otherwiſe it is not allowable, though in ſome ſpeciall caſe upon an appeale it hath been allowed, but regularly not.

*Ed.* in 25. of his Raigne granted a pardon to *Jeffrey* the ſonne of *Warnum*, which I thought good alſo to tranſlate, out of the Latine, as Sir *Ed. Cooke* hath ſet it down in the third part of his Inſtitutes, in the title of *Pardon.*

---

*Edward*

*Edward* by the grace of God King of *England*, Lord of *Ireland*, and Duke of *Aquitain*.

To all his Bayliffs and faithfull people to whom theſe preſen t Letters ſhall come, greeting.

KNow ye that *for the good ſervice which* Jeffrey *the ſonne of* Warnum *hath done in the parts of* Scotland, *we have pardoned unto the ſaid* Jeffrey *the ſuit of our peace which belongs to us of homicides, Robberies, Thefts, breaking of houſes, Felonies, and other treſpaſſes againſt our peace in this our Kingdom done, whereof he ſtands Indicted: And alſo the Utlary if any be againſt him for that cauſe. And we do grant unto him our firme peace; So that he do ſtand right in our Court, if any man have any thing to ſay againſt him for the homicides, Robberies, Thefts, breakings, Felonies and treſpaſſes aforeſaid.*

In witneſſe whereof, *&c.*

Whereby

Whereby it appeares that the King pardoned only his ſuit of Peace which belonged to him concerning the ſaid offences; But if any man brought an Appeale againſt him for any of theſe offences, he could not pardon it.

For as I have before mentioned in the Office of a Gaoler; Though the Queen pardoned *Nicholls* for the killing of *Cholmley*, and his Wife commencing an Appeale againſt him; and he thereupon detained in Priſon, and the Gaoler letting him voluntarily go out, ſo that he eſcaped, Mr. *Plowdens* opinion was, that it was Felony in the Gaoler, notwithſtanding the pardon; which is no plea to the Appeale, upon which he may be put to death; notwithſtanding the pardon: *Stamf. Pl. Coron. lib. 2. fol.* 104. And the reaſon is, That by the ancient and conſtant rule of Law, the King cannot extend his grace to the wrong and damage of another: for that which is another mans, He cannot give away. *Bracton lib. fol.* 132.

And in the ſame Chapter of Pardon, towards the concluſion he ſaith, *Non ſolum ſapiens debet eſſe Rex, ſed & miſericors, ut cum ſapientia miſericorditer ſit juſtus: & licet tutius ſit reddere rationem miſericordiæ quam Judicij, tamen tutiſſimum eſt palpebras ejus ita præcedere greſſus ſuos, ut judicium ſuum non vacillet per imprudentiam, nec miſericordia decipiat per incircumſpectionem.*

(n

## In Engliſh thus.

*The King ought not only to be wiſe, but alſo mercifull, that with his wiſdome he may be mercifully juſt; and though it be ſafer to give an accompt of his mercy then his Judgement, yet it is moſt ſafe, that his eyes ſo governe his wayes, that his judgement ſtagger not by want of providence, nor his mercy deceaved by incircumſpection.*

*Nam cum indulget Judex indigno, ad prolapſionis contagium provocat univerſos: ſic ergo miſereatur indigno, ut ſemper homini condoleat.* And ſpeaking of the power of Kings in this matter of pardon; *Temperet igitur (Rex) potentiam ſuam legibus, quæ frænum potentiæ ſuæ ſunt, ut ſecundum leges vivat, quid hoc ſanxit Lex humana, ut leges ligent latorem,* (*i. e.*) Let therefore the King ſo temper his power with his Lawes, which are a Bridle to his power, that he may live according to them. For humane Law hath ordained that the Law ſhould bind the Law-giver.

And now having according to my mediocrity, finiſhed that, which at the requeſt of ſome friends (not without ſome reluctancy, as being conſcious of my own Diſability) at firſt I propounded, though (in reſpect of ſome other occaſions) not ſo exactly and methodically as I purpoſed; and wiſhing that ſuch as it is, it may have the fruit and

and benefit I intended thereby to ſuch as ſhould ſtand in need thereof:

I conclude my weak Labours with two hymnes of the Church ( which, I hope, no diſcreet man will think to be any Ragg of Popery.)

*Gloria in excelſis Deo, Pax in terris, & benevolentia erga homines.*—

And

*Da pacem Domine in diebus noſtris.*

To which Prayer let every honeſt and Godly man ſay, Amen.

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*FINIS.*

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# The first

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THE

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# THE PRINTER TO THE READER.

THe *Author being in the Countrey when theſe Collections were in the Preſſe, and having changed his mind concerning his method, two inconveniences have happened; The one, that whereas,* p. 166. *The Author ſaith, That he would not ſpeak of Pardons, he hath nevertheleſſe ſpoken ſomewhat thereof, which hath a little diſjointed the Book; The other, that whereas he at firſt intended that the collection of Indictments ſhould have been firſt, and were therefore firſt printed, he did afterwards ſend a few leaves which ſhould precede them, by reaſon whereof, the pages are miſnumbred in many places, and ſomethings miſplaced through inadvertency. So that there is a neceſſity of making another little Table for the firſt part, whereof I thought good to give advice before hand.*

The

# THE LAY-MANS
# LAWYER:
OR,
The second part of the Practice of the
# LAW:

Relating to the punishments of Offences committed against the publike Peace, with Presidents of Indictments and Warrants, with proceedings to Judgment.

ALSO

A Discourse concerning Pardons, and remission of Punishment; so far as regularly they have been granted.

The Office and duty of a GAOLER:

With an Appendix touching the duty of a Church-warden and Overseer of the Poor; so far as they are Coincidently assistant to Constables in their Office of preserving the Peace.

VERY USEFULL FOR ALL sorts of people, whose duty it is to serve GOD, and their lawfull Governours in Peace.

Extracted out of the Statutes of the KINGS of *England*, and the Acts of the late Parliaments.

*With an exact Table relating to all the matters therein contain*

*London*, Printed by *T.R.* for *H.Twyford*, in Vine Court Middle Temple, and *J. Place* at Furnivalls Inne Gate in *Holborne*, 1654.

BRITISH MUSEUM
28
68
FEB

# TO THE READER.

Reader,

HAVING gained incouragement from thy kind acceptance of the first part of the Practice and Proceedings in the Law of this Nation, about properties in Lands, Goods, and Chattels, and the punishment of undue slights and deceipts without force, I have adventured to put in view for the common good; this second practick

on complaint or information thereof made to the two next Iuſtices or one of them, the ſaid Iuſtices, or one of them ſhall or may in their own perſons view the ſaid Churches or Chappels, or appoint the miniſter or ſome other of the Pariſhioners, to certifie them or one of them what reparations ſhall be needfull, and thereupon they or one of them ſhall by a Warrant under their hands and ſeals, to the Church-wardens order and direct what reparations ſhall be done, and limit a time for the doing thereof.

And if their order be not performed, they ſhall bind over the ſaid Church-wardens or Collectors to the next quarter Seſſions of the Peace; and if their negligence be proved, they ſhall be ſeverally fined, ſo it be not above 40 s. upon any one of them, and the Offender to be committed untill the fine be paid, which is to be diſpoſed of for the uſe of the poor of the Pariſh.

Provided that the Pariſhioners of any Pariſh ſhal not be charged with the reparing of any Chancell, or any particular Ile in the Church, which by preſcription or cuſtome have been uſed to be repaired by the Parſons, Vicars, Impropriators, or all other perſons politick or corporate, which have formerly been lyable to the reparations of all or any part of ſuch Church, Chappell, or Ile, ſhall ſtill be lyable to the ſame; & for their negligence therein ſhall be ordered by the two next Juſtices, or may be preſented or indicted by the Church-wardens, or any others at the next Seſſions of the Peace, where the Offender ſhall be proceeded againſt, as the Church-wardens ſhould bee proceeded againſt for their negligence by this Ordinance.

And where any Church or Chappell hath any Lands or yeerly Rens, *&c.* given to the repairing

of

of Churches or Chappells; the Church-wardens or Collectors aforesaid shall be from thence forth Receivers of the said Rents, *&c.* Provided that this Ordinance as to repairing of Churches shall not extend to Churches or Chappells totally ruined by these last Wars, extremity of age, or other casualties.

And that all Offences against this Ordinance shall and may be enquired, heard, and determined before the Justices of Assise, of *Oyer* and *Terminer*, or Gaole-delivery, or before the Justices of Peace, of any County, City, and Town Corporate where the Offence shall be committed,

And that all and every Parish Clerk and Sexton within any Parish, shall have their due fees from the severall Parishes, to be ordered and recovered by Warrant from the Justices, in such manner as the rates made for Church-wardens are ordered to be levied: And that they be elected and chosen, in such manner as hath been formerly accustomed.

*THus by all that hath been hitherto said, you may see wherein there is a trangression of the Law, by the breach and disturbance of the Peace of the Common-wealth, and the punishment of such Transgressions. And all this while we do but shew the strength and rigour thereof, without any mixture or composition of mercy: But as not to punish some were to encourage Malefactors, and evill disposed persons, in hope of Impunity to commit enormous Offences against God and man, so to*

*punish all Offenders according to the letter of the Law, were severity in the fourth degree like poyson, and become cruelty it selfe.*

*The Kingly Prophet* David *(a man after Gods own heart) would have his Song of two parts; of* Judgment, *to punish where he should finde a continued perversnesse, in the will; of* Mercy, *to pardon where there was hope of amendment in time to come: there being also divers circumstances which may make the same Offence* Veniall *or* Mortall, *as sins are distinguished by some Divines.*

*And it was the Method which Almighty God (who is the God as well of mercy as of Justice) used with, and towards his own people that had transgressed his Lawes, and broken his holy Commandements and Ordinances, when he had threatned the Israelites,* Hos: 11: verse 6. That the Sword should abide in their Cities, consume their branches, and devoure them because of their own Counsels (*which was his Judgment.*) *In the* 14 *Chap. verse* 5. *he saith,* he will be as the dew unto Israel, and he shall grow as the Lilly; *and verse* 6. His branches shall spread, and his beauty shall be as the Olive Tree, &c. *which was his* Mercy: *and in the* 4. *of* Amos, *God tells the* Israelites *what punishments he hath, and would inflict upon them, for their oppression and*

*other*

*other ſins (there is his Juſtice) and Chap. 9. verſe 11.* In that day *(ſaith he)* I will raiſe up the Tabernacle of *David* which is fallen, *(there is his* Mercy*) And ſome Divines hold, that if one of Gods holy Attributes can be greater then another (he being* Mercy *and* Juſtice *in the Abſtract) it is his* Mercy *that hath the Prerogative and Preheminence.*

*And ſo it ſhould be (by Gods own example) with Princes who are his Vicegerents, and ſuch as have* poteſtatem vitæ & necis, *they ſhould mingle mercy with juſtice; for in ſo doing they ſhall be as much feared, and much more beloved.* Mitius imperanti *(ſaith one)* melius paretur; *and another thus,* Sicut ignis eſt ut urat, & lucem præbeat; ſic Regis eſt ut benefaciat & puniat: (id eſt) *as it is the property of fire to burn and give light, ſo it is of a Prince to do good, (there is mercy) and to puniſh (there is Juſtice, or Judgment.*

*The reſult of all which is, that there is a neceſſary conveniency, or a convenient neceſſity (chooſe you whether) that mercy ſhould be as well ſometimes ſhewed, as juſtice executed; Lawes being made for the terrour of many, that few might be puniſhed. And it was obſerved, that* Hen. 7. *King of* England, *who out of covetouſneſſe did uſe to take advantage of the breach of all ſtatute Lawes which were*

*penall, and would bring him in mony, was branded with the mark of a cruell King; not remembring that,* Ditare, non diteſcere, Regis eſt: *and as the Poet ſaith.*

Si quoties peccant homines ſua fulminat mittat
Jupiter, exiguo tempore inermis erit.

*Having therefore all this while ſpoken of Offences and Puniſhments, it will now (the Premiſſes granted) be orderly and ſeaſonable (according to the Methode of that learned Judge, of whoſe Labours I confeſſe to have made much uſe in this Collection) to ſpeake ſomewhat of Pardons.*

*Of which ſome are generall, and ſome particular, ſome abſolute and totall; as where the King doth wholly remit and pardon the Offender (as it is ſaid in another caſe) both* à Culpa & pœna, *and doth not only ſpare the life, and all the Eſtate which was forfeited upon the attainder; but is pleaſed by authority of his Parliament (without which it cannot be done) that the corruption of the Offenders blood ſhall alſo be taken away, ſo that he ſhall ſtand as* rectus in curia, *to all intents and purpoſes as if he had never offended, which the Latines call* condonatio, *a free and full pardon, and in the Language*

guage of the Law is called perdonatio.

And by this authority of Parliament, there may be not onely a reſtitution in blood to make his Heire capable to inherit from himſelfe, or any of his collaterall or lineall Anceſtors, but there may be a reſtitution to Honours, Dignities, and what ever was loſt by the attainder.

There are alſo ſome Pardons partiall and conditionall, as where there is ſomething annexed thereunto by way of qualification; as where an Offender hath his life, &c pardoned, yet ordered to continue in priſon during the Kings pleaſure (which is underſtood to be for his life) or otherwiſe, or baniſhed the Kingdome, or to be perpetually bound to his good abearing, and is ſuch a qualification of the Pardon, as if the Offender break his condition, he may forfeit his Pardon; as Shimei did, who loſt the benefit of his Pardon given unto him by King David, by going out of the City of Jeruſalem, to which he was confined by King Salomon, who put him to death, 1 Reg. 2. chap.

And albeit I do not for the preſent remember but one Precedent which was 3 H. 7. of the taking of ſuch a forfeiture by any King of England, yet the putting to death of Sir Walter Raleigh was not far from the caſe. For albeit he had no formall or legall Pardon for the Offence for which he was convicted; yet

*some wise men thought, that the Kings Commission to go to Sea with a Fleet under his command was* tant amount, *and that it was a hard point of Justice to execute him. For I finde in* Stamp: *Pleas of the Crown, 22 Ed. 3. That where a man was found guilty of Felony shewed by a Charter of the King, that did not contain any Pardon, he onely shewed retained him to go into* Gascony, *and it was allowed.*

*Sir* Edward Cook *in his book of the Pleas of the Crown, and the Chapter of Pardons, speaking of generall Pardons granted in Parliament, saith, that generall Pardons in those daies in which hee wrote; and I may add in these times in which we live, generall Pardons had so many qualifications and exceptions of Offences and things, and of persons also, that the Court of Indicature (where any man should be impleaded for any Offence for which he was punishable either by paines of death, corporall, or pecuniary) cannot take notice of them, neither can the party take benefit or advantage thereof unlesse he plead it: And for that (as he saith) it may concern the safety and quiet of many a Subject, he was pleased to expresse the form of the pleading of a generall pardon in Latine; which because all Pleadings are now to be in the English Tongue, I thought it worth my Labour for the good of others (who*

*may*

*may have occaſion to make uſe thereof) to tranſlate the ſame into Engliſh, having for my warrant that great Maſter of the Law, and the learned Judge* Stamford, *who have in their Bookes tranſlated whole Acts of Parliament for help of the Readers: and thus it is.*

AND the ſaid *A.* cometh by *B.* his Attorney (or in his proper perſon) and ſaith, that our Soveraign Lord *James* the King, ought not now the ſaid *A.* for the cauſe aforeſaid to impeach or moleſt; For he ſaith, that by a certain Act in Parliament of our ſaid Lord the King, that now is, held at *Weſtminſter* in the County of *Middleſex*, the ninth day of *February*, in the ſeventh yeer of his Raign, among other things it is enacted and eſtabliſhed by the authority of the ſame Parliament; that all & ſingular the Subjects of our ſaid Lord the King, as well ſpirituall as temporall of this Kingdome of *England*, *Wales*, the Iſles of *Jerſey* and *Garnſey*, and the town of Berwick, their Heirs, Succeſſors, Executors, and Adminiſtrators, and every of them, and all and every bodies any way corporated, Cities Burroughs, Counties, Riding, Hundred, Lathe, Rape, Wapentake, Town, Village, Hamlet, and Tithing, and every of them, and the Succeſſor and Succeſſors of them and every of them, by authority of the ſaid Parliament ſhould be acquitted, pardoned, releaſed, and diſcharged againſt our ſaid Lord the King, his Heires and Succeſſors and every of them, of all Treaſons, Felonies, Offences, Contempts, Treſpaſſes, Entries, Wrongs, Deceits, ill Behaviours, Forfeitures, Penalties, and ſums of money, paines of death, paines corporall, and pe-

cuniary, and generally of all other things, cauſes, complaints, Suits, Judgments, and Executions in the aforeſaid Act not excepted, nor fore-prized, which by our ſaid Lord the King any way or by any meanes muſt be pardoned before, & untill the nineth day of *November* then laſt paſt, before the making of the Act aforeſaid, to every or any of his Subjects, bodies Corporate, City, Burrough, County, Riding, Hundred, Lath, Rape, Wapentake, Town, Village, & Tithing, or of any others, as in the ſaid Act is more at large contained. And the ſaid *A.* ſaith, that the offence aforeſaid objected unto him is not in the ſaid Act excepted nor foreprized; And that he is, and at the time of the publiſhing of the ſaid Act, was a Subject and Liege of our ſaid Lord the King that now is, and born under his obedience; that is to ſay, at *Weſtminſter* aforeſaid, and that he is not any perſon in the Act aforeſaid excepted, nor fore-prized; And this he is ready to verifie: whereupon he doth not conceive that our ſaid Soveraign Lord the King that now is, for the cauſe aforeſaid will impeach or moleſt him; And thereupon prayeth Judgment: And that he from the Premiſſes aforeſaid may be diſcharged, and that the generall Pardon aforeſaid may be unto him allowed.

*In*

*In the penning of which plea, it is to be observed.*

1. *That the whole Act must be recited* totidem verbis.
2. *That the party must be at the time of the Publication of the Act under the allegeance of the King, &c.*
3. *That he is not any person in the said Act excepted.*

The learned *Stamford* in his Pleas of the Crown *lib.* 2. *Ca.* 35. saith, That the pardon of the King is a barre to an Indictment, which (saith he) the King ought sometimes to grant to the offender, where there is hope of amendment, and where he may grant it without violation of his Oath, which he made at his Coronation, which among other things (saith *Bracton*) is to command in all Judgements equity and mercy to be done, that by his mercy the mercifull God may be gracious unto him, and by his Justice all men may rejoyce. For a King (as he saith after) ought not only to be wise, but also mercifull, that with his wisdome he may be mercifully just.

But because in times past, many procured pardons for very heynous Crimes, which were not truly set down or specified in the Charter, and upon false suggestion divers pardons were granted contrary to the law, divers Statutes were made for redresse of such deceipts, as 2. & 4. *Ed.* 5. & 14. *Ed.* 3. cited by Judge *Stamford loco citato. fol.* 100. & 101. where he speaks of pardons granted by the King with a *non obstante aliquo statuto actu, &c.* which *non obstante* (saith he) takes away not only

only the force of those Statutes which limited the Kings power in granting them, as the Statute of *Northampton*, &c. But all other Statutes in which that clause of *non obstante* shall be put; And that therefore it behooved Princes, well and wisely to consider the suit and suggestion which is made unto them to grant a pardon, and to see lest by any clause or word contained in their Charter they be deceived. And that the King ought so to do, *Bracton* points out two Statutes, the one in 27. *Ed.* 3. the other in 13. *Ri.* 2. whereof the first is.

*Forasmuch as our Lord the King hath often times granted Charters of Pardon for Felonies upon fayned suggestions which were not true, by reason whereof many evils have ensued, which to eschew, it is agreed and assented to by our Lord the King, and all his said Councell (his Parliament) that from henceforth every Charter of pardon for Felony, which shall be granted at the suggestion of any man, the suggestion and the name of him that maketh it, shall be comprised to the same Charter, and if it shall be afterwards found, that the suggestion was not true, the Charter shall be disallowed and null.*

That

That of *R.* 2. was of this tenor; No pardon ſhall be allowed before any Juſtice for murder, or the death of any man ſlaine by a wayte aſſault or malice prepenſed. Treaſon or rape; unleſſe the ſaid offences be ſpecified in the ſaid Charter. And if by inqueſt of the viſenage, it be found that the party was murdered or ſlaine by a waite, *&c.*

That then the Charter ſhall be diſſallowed.

And gives this note. That the Charter of pardon ought to agree with the Indictment in name, Sir-name and addition, to the end and intent that he may be intended to be the ſame perſon that was indicted, otherwiſe it is not allowable, though in ſome ſpeciall caſe upon an appeale it hath been allowed, but regularly not.

*Ed.* in 25. of his Raigne granted a pardon to *Jeffrey* the ſonne of *Warnum*, which I thought good alſo to tranſlate, out of the Latine, as Sir *Ed. Cooke* hath ſet it down in the third part of his Inſtitutes, in the title of *Pardon.*

*Edward* by the grace of God King of *England*, Lord of *Ireland*, and Duke of *Aquitain*.

To all his Bayliffs and faithfull people to whom theſe preſen t Letters ſhall come, greeting.

KNow ye that for the good ſervice which Jeffrey *the ſonne of* Warnum *hath done in the parts of* Scotland, *we have pardoned unto the ſaid* Jeffrey *the ſuit of our peace which belongs to us of homicides, Robberies, Theſts, breaking of houſes, Felonies, and other treſpaſſes againſt our peace in this our Kingdom done, whereof he ſtands Indicted: And alſo the Utlary if any be againſt him for that cauſe. And we do grant unto him our firme peace; So that he do ſtand right in our Court, if any man have any thing to ſay againſt him for the homicides, Robberies, Theſts, breakings, Felonies and treſpaſſes aforeſaid.*

In witneſſe whereof, *&c.*

Whereby

Whereby it appeares that the King pardoned only his ſuit of Peace which belonged to him concerning the ſaid offences; But if any man brought an Appeale againſt him for any of theſe offences, he could not pardon it.

For as I have before mentioned in the Office of a Gaoler; Though the Queen pardoned *Nicholls* for the killing of *Cholmley*, and his Wife commencing an Appeale againſt him; and he thereupon detained in Priſon, and the Gaoler letting him voluntarily go out, ſo that he eſcaped, Mr. *Plowdens* opinion was, that it was Felony in the Gaoler, notwithſtanding the pardon; which is no plea to the Appeale, upon which he may be put to death; notwithſtanding the pardon: *Stamf. Pl. Coron. lib. 2. fol.* 104. And the reaſon is, That by the ancient and conſtant rule of Law, the King cannot extend his grace to the wrong and damage of another: for that which is another mans, He cannot give away. *Bracton lib. fol.* 132.

And in the ſame Chapter of Pardon, towards the concluſion he ſaith, *Non ſolum ſapiens debet eſſe Rex, ſed & miſericors, ut cum ſapientia miſericorditer ſit juſtus: & licet tutius ſit reddere rationem miſericordiæ quam Judicij, tamen tutiſſimum eſt palpebras ejus ita præcedere greſſus ſuos, ut judicium ſuum non vacillet per imprudentiam, nec miſericordia decipiat per incircumſpectionem.*

In

## In Engliſh thus.

*The King ought not only to be wiſe, but alſo mercifull, that with his wiſdome he may be mercifully juſt; and though it be ſafer to give an accompt of his mercy then his Judgement, yet it is moſt ſafe, that his eyes ſo governe his wayes, that his judgement ſtagger not by want of providence, nor his mercy deceaved by incircumſpection.*

*Nam cum indulget Judex indigno, ad prolapſionis contagium provocat univerſos: ſic ergo miſereatur indigno, ut ſemper homini condoleat.* And ſpeaking of the power of Kings in this matter of pardon; *Temperet igitur (Rex) potentiam ſuam legibus, quæ frænum potentiæ ſuæ ſunt, ut ſecundum leges vivat, quia hoc ſanxit Lex humana, ut leges ligent latorem,* (i. e.) Let therefore the King ſo temper his power with his Lawes, which are a Bridle to his power, that he may live according to them. For humane Law hath ordained that the Law ſhould bind the Law-giver.

And now having according to my mediocrity, finiſhed that, which at the requeſt of ſome friends (not without ſome reluctancy, as being conſcious of my own Diſability) at firſt I propounded, though (in reſpect of ſome other occaſions) not ſo exactly and methodically as I purpoſed; and wiſhing that ſuch as it is, it may have the fruit and

and benefit I intended thereby to such as should stand in need thereof:

I conclude my weak Labours with two hymnes of the Church (which, I hope, no discreet man will think to be any Ragg of Popery.)

*Gloria in excelsis Deo, Pax in terris, & benevolentia erga homines.*——

And

*Da pacem Domine in diebus nostris.*

To which Prayer let every honest and Godly man say, Amen.

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*FINIS.*

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# THE PRINTER TO THE READER.

*THe Author being in the Countrey when theſe Collections were in the Preſſe, and having changed his mind concerning his method, two inconveniences have happened; The one, that whereas,* p. 166. *The Author ſaith, That he would not ſpeak of Pardons, he hath nevertheleſſe ſpoken ſomewhat thereof, which hath a little diſjointed the Book; The other, that whereas he at firſt intended that the collection of Indictments ſhould have been firſt, and were therefore firſt printed, he did afterwards ſend a few leaves which ſhould precede them, by reaſon whereof, the pages are miſnumbred in many places, and ſomethings miſplaced through inadvertency. So that there is a neceſſity of making another little Table for the firſt part, whereof I thought good to give advice before hand.*

The

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These Books following are Printed for *Henry Twyford*, and to be sold at his Shop in *Vine Court* Middle *Temple*.

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Demeſne, *with the learning of Tenures, and all their Incidents, of* Eſloynes, Imparlance, view *of all manner of Pleadings, of Contracts, of the nature of all ſorts of Actions, of Maintenance, &c. Written in French, by the methodically learned* John Kitchin *of* Grayes Inne *Eſquier, and now Tranſlated into Engliſh, according to Order. in large* Octavo. 1653.

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*The Office of a Lord* Chancellor, *by the Lord* Elleſmore.

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